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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

| | |
|--|-------------|
| <i>Conflict of Interest Code—Notice File No. Z02-0514-01</i> | <i>Page</i> |
| <i>State Agency: Conservation and Liquidation Office</i> | <i>953</i> |

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

| | |
|--|------------|
| <i>Grapevine Loss Assistance Program—Notice File No. Z02-0514-05</i> | <i>954</i> |
|--|------------|

TITLE 10. DEPARTMENT OF INSURANCE

| | |
|--|------------|
| <i>Credit Property Insurance and Credit Unemployment Insurance—Notice File No. Z02-0513-05</i> | <i>955</i> |
|--|------------|

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

| | |
|--|------------|
| <i>Healthy Families Program (HFP) Parental Expansion—Notice File No. Z02-0514-06</i> | <i>963</i> |
|--|------------|

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

| | |
|--|------------|
| <i>Administrative Civil Penalty Determination—Notice File No. Z02-0513-02.....</i> | <i>971</i> |
|--|------------|

TITLE 16. BOARD OF REGISTERED NURSING

| | |
|--|------------|
| <i>Citations and Fines—Notice File No. Z02-0514-03</i> | <i>973</i> |
|--|------------|

TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

| | |
|--|------------|
| <i>Clarification of Collateral Recovery Act Fees—Notice File No. Z02-0514-02</i> | <i>975</i> |
|--|------------|

TITLE 18. FRANCHISE TAX BOARD

| | |
|---|------------|
| <i>Offset of Interest Incurred for Foreign Investment—Notice File No. Z02-0513-01</i> | <i>976</i> |
|---|------------|

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

| | |
|---|------------|
| <i>CESA Consistency Determination for Whitewater Hill Wind Partners Project</i> | |
| <i>—Riverside County</i> | <i>978</i> |

(Continued on next page)

*Time-
Dated
Material*

| | |
|---|-----|
| DEPARTMENT OF FISH AND GAME | |
| <i>Consistency Determination for Pacific Gas and Electric Tesla Substation Expansion</i> | |
| —Tracy, Alameda County..... | 978 |
| DEPARTMENT OF FISH AND GAME | |
| <i>Consistency Determination for Union Pacific, Kelso to Cima New Second Mainline Project</i> | |
| —San Bernardino County | 979 |
| DEPARTMENT OF FISH AND GAME | |
| <i>State Route 255 Seismic Retrofit of Humboldt Bay Bridges—Eureka, Humboldt County.....</i> | 980 |
| DEPARTMENT OF TOXIC SUBSTANCES CONTROL | |
| <i>Variance—City of Lancaster.....</i> | 981 |
| DEPARTMENT OF TOXIC SUBSTANCES CONTROL | |
| <i>Variance—Emerald Bay Service District—Orange County.....</i> | 981 |
| DEPARTMENT OF TOXIC SUBSTANCES CONTROL | |
| <i>Variance—Merced and Stanislaus County</i> | 981 |
| DEPARTMENT OF TOXIC SUBSTANCES CONTROL | |
| <i>Variance—Regional Waste Management Authority for Yuba and Sutter Counties.....</i> | 982 |
| DEPARTMENT OF TOXIC SUBSTANCES CONTROL | |
| <i>Variance—San Joaquin County.....</i> | 982 |
| DEPARTMENT OF TOXIC SUBSTANCES CONTROL | |
| <i>Variance—Stanislaus County</i> | 982 |
| OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT | |
| <i>Environmental Protection Indicators for California (EPIC).....</i> | 982 |
| SUMMARY OF REGULATORY ACTIONS | |
| Regulations filed with the Secretary of State | 983 |
| Sections Filed, January 9, 2002–May 15, 2002 | 985 |

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY:

Conservation and Liquidation Office

A written comment period has been established commencing on **May 24, 2002** and closing on **July 8, 2002**. Written comments should be directed to the Fair Political Practices Commission, Attention **Wayne Imberi**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than **July 8, 2002**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Wayne Imberi**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Wayne Imberi**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3664, 3665, 3666, 3667, 3668, and 3669 of the regulations in Title 3 of the California Code of Regulations pertaining to the Grapevine Loss Assistance Program as an emergency action. The Department proposes to continue the regulations as adopted.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before July 8, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to promote and protect the agricultural industry in California (Food and Agricultural Code, Section 401). Existing law also provides for the creation of programs within the Department for eradication of Pierce's disease and its vector, the glassy-winged sharpshooter (Food and Agricultural Code, Sections 6045 through 6047). Stats. 2002, AB1242, appropriates funds to the Department for distribution to grape growers for vine loss compensation, in accordance with criteria established by the Department.

Sections 3664, 3665, 3666, 3667, 3668, and 3669 established the Grapevine Loss Assistance Program including the purpose, application process, eligibility criteria, application review and eligibility determination, payment criteria, and appeal/hearing procedures. This program will provide a maximum aggregate \$7.14 million in payments to eligible vineyard owners who incur losses due to Pierce's disease spread by the glassy-winged sharpshooter. The effect of the regulation is to provide authority for the State to compensate eligible vineyard owners to assist California's agricultural industry. There are no existing, comparable federal regulations or statutes.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Sections 3664 through 3669 do impose a mandate on local agencies, but not on school districts. Reimbursement will be made for costs resulting from this mandate from the \$357,000 (maximum) allocated for this purpose.

The Department has also determined that the regulation will involve no additional costs or savings to any state agency because funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code, funds for reimbursement for costs to local agencies have already been appropriated, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. A representative person or business should incur no costs to be in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department adopted Sections 3664–3669 pursuant to the authority vested by Section 407, Food and Agricultural Code of California, and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter).

REFERENCE

The Department adopted Sections 3664–3669 to implement, interpret and make specific Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); Sections 6045 through 6047, Food and Agricultural Code; (Section 3669 only) Sections 11425.50 and 11440.10, Government Code; Section 1084 *et seq.*, Code of Civil Procedure.

EFFECT ON SMALL BUSINESS

The adoption of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Barbara J. Hass, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: bhass@cdfa.ca.gov. In her absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Barbara J. Hass.

INTERNET ACCESS

The Department has posted on its Internet website (www.cdfa.ca.gov/plant/index.html) the information regarding this proposed regulatory action. Select “Proposed Changes in Regulations for Plant Health and Pest Prevention Services” and then section number(s).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REGULATORY ACTION AND NOTICE OF PUBLIC HEARING

[RH02021588]

May 8, 2002

Credit Property Insurance and Credit Unemployment Insurance

SUBJECT OF HEARING

A public hearing will be initiated regarding the proposed adoption of regulations which specify prima facie rates for credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes the adoption of Title 10, Chapter 5, Subchapter 4.10, Article 1 through Article 8, Sections 2670.1 through 2670.27, pursuant to the authority vested in him by Sections 779.21, 779.36, 12921 and 12926 of the California Insurance Code, *Credit Insurance General Agents Association v. Payne*, 16 Cal.3d 651 (1976), and *20th Century v. Garamendi*, 8 Cal.4th 216 (1994). The purpose of these regulations is to implement, interpret, and make specific provisions of the California Insurance Code, including but not limited to, Section 779.36.

HEARING DATE AND LOCATION

The Insurance Commissioner will hold a public hearing to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations at the date, time, and place set forth below:

Date and time: July 12, 2002
10:00 a.m.*

Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, CA 94105

* The hearing will continue on the date noted until all testimony has been completed or 4:30 p.m., whichever is earlier.

WRITTEN AND/OR ORAL COMMENTS;
AGENCY CONTACT PERSON

All persons are invited to present oral/and or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

California Department of Insurance
Attention: Donald Hilla,
45 Fremont Street, 21st Floor
San Francisco, CA 94105
FAX (415) 904-5490
hillad@insurance.ca.gov

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If the contact person is not available inquiries may be sent to the backup contact person:

California Department of Insurance
Attention: Michael Riordan
45 Fremont Street, 21st Floor
San Francisco, CA 94105
FAX: (415) 904-5490
riordanm@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

Any interested party may submit to the Commissioner written comments relevant to the proposed regulations. All written materials unless submitted at the hearing, must be received by the contact person at the address listed above, by no later than 5:00p.m., July 8, 2002 Any comments received after that time will not be considered.

COMMENTS TRANSMITTED BY
ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail, provided they are sent to the following e-mail address: hillad@insuarnce.ca.gov. The Commissioner will accept written comments transmitted by facsimile to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or by facsimile machine will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth.**

ACCESS TO HEARING ROOM

The public hearing rooms are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the agency representative (listed above) for the hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in

accordance with the provisions of Title 10 of the California Code of Regulations in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address in order to inquire about the appropriate procedures:

Office of the Public Advisor
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written material submitted to the Public Advisor regarding this rulemaking must also be submitted to the agency contact person listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Existing law governing credit property insurance and credit unemployment insurance rates is set forth in Insurance Code § 779.36 and Proposition 103 (Insurance Code §§ 1861.01 et seq.). The provisions of Proposition 103 apply prior approval rate regulation to these lines of insurance, and the provisions of § 779.36, as amended by Statutes of 1999, Chapter 413 (AB 1456), § 1, contain requirements specifically for credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance. (Hereafter both credit property insurance and joint credit property insurance are included in references to "credit property insurance," and both credit unemployment insurance and joint credit unemployment insurance are included in references to "credit unemployment insurance.")

Originally Insurance Code § 779.36 governed only credit life insurance and credit disability insurance. In 1999 the Legislature amended to statute, largely in response to a March 1999 report by Consumers Union and the Center for Economic Justice titled "Credit Insurance: The \$2 Billion A Year Rip-Off," subtitled "Ineffective Regulation Fails to Protect Consumers" (the "Report"). The Report describes how a marketing system of "reverse competition" generates high rates for credit property insurance and credit unemployment insurance relative to the benefit provided by the coverages. The Report also detailed numerous objectionable practices by the credit insurance industry in selling these coverages and resolving claims. In response, the Legislature amended § 779.36 to add rate control provisions for credit property insurance and credit unemployment insurance (as well as credit life and disability insurance).

Although regulations exist which implement the prior approval provisions of Proposition 103, there are no regulations which implement the provisions of Insurance Code § 779.36 which govern credit property insurance and credit unemployment insurance. Insurance Code § 779.36 as amended requires the Commissioner to adopt regulations “that become effective no later than January 1, 2001, specifying prima facie rates based upon presumptive loss ratios, with rates which would be expected to result in a target loss ratio of 60 percent, or any other loss ratio as may be dictated after applying the factors contained in this subdivision, for each class of . . . credit unemployment [and] credit property . . . insurance.” The statute also includes “joint credit property insurance” and “joint credit unemployment insurance” within its rate control provisions. Section 779.36 requires the Commissioner to make the insurers’ actual annual loss ratios available to the public each year.

The Commissioner proposes the adoption of Title 10, Chapter 5, Subchapter 4.10, Article 1 through Article 8, §§ 2670.1 through 2670.24 on a permanent basis. The purpose of the regulations is to implement, interpret and make specific provisions of the California Insurance Code, including but not limited to, § 779.36. The regulations establish prima facie rates for credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance as required by California Insurance Code § 779.36. The regulations also require insurers to report actual annual loss ratio data to the Department of Insurance so that the Commissioner can make this information available to the public.

This rulemaking action pertains only to the fixing of “rates, prices or tariffs.” Under Govt. Code Sec. 11343(a)(1) it is exempt from Office of Administrative Law approval.

PLAIN ENGLISH OVERVIEW

The proposed regulations contain the following provisions:

Article 1. Scope.

Section 2670.1. Authority.

Existing regulations do not set forth the legal authority for regulations which implement Insurance Code § 779.36. This section sets forth the legal authority for the regulations.

Section 2670.2. Purpose.

Existing law does not set forth the purpose of regulations promulgated to effectuate Insurance Code § 779.36. This section states that the purpose of the regulations is to implement the provisions of Insurance Code Section 779.36 which apply to credit property

insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance.

Section 2670.3. Applicability.

Existing law does not set forth the applicability of regulations promulgated to effectuate Insurance Code § 779.36. This section states that the proposed regulations apply to all credit property insurance, joint credit property insurance, credit unemployment insurance, and joint credit unemployment insurance on risks or on operations in California.

Article 2. Definitions.

Section 2670.4. Definitions Applicable to this Subchapter.

- (a) Existing law does not define “credit property insurance” as that term is used in the regulations. This section defines “credit property insurance” as it is used in the regulations.
- (b) Existing law does not define “joint credit property insurance” as that term is used in the regulations. This section defines “joint credit property insurance” as it is used in the regulations.
- (c) Existing law does not define “credit unemployment insurance” as that term is used in the regulations. This section defines “credit unemployment insurance” as it is used in the regulations.
- (d) Existing law does not define “joint credit unemployment insurance” as that term is used in the regulations. This section defines “joint credit unemployment insurance” as it is used in the regulations.
- (e) Existing law does not define “closed end” plan of indebtedness as that term is used in the regulations. This section defines “closed end” plan of indebtedness as it is used in the regulations.
- (f) Existing law does not define “earned premium” as that term is used in the regulations. This section defines “earned premium” as it is used in the regulations.
- (g) Existing law does not define “experience group” as that term is used in the regulations. This section defines “experience group” as it is used in the regulations.
- (h) Existing law does not define “experience period” as that term is used in the regulations. This section defines “experience period” as it is used in the regulations.
- (i) Existing law does not define “reported claim count” as that term is used in the regulations. This section defines “reported claim count” as it is used in the regulations.

- (j) Existing law does not define “open end” plan of indebtedness as that term is used in the regulations. This section defines “open end” plan of indebtedness as it is used in the regulations.
- (k) Existing law does not define “prima facie rate” as that term is used in the regulations. This section defines “prima facie rate” as it is used in the regulations.

Article 3. Regulation of Rates.

Section 2670.5. Presumptive Loss Ratios and Prima Facie Rates, Generally.

Existing law (Insurance Code § 779.36) requires the Commissioner to adopt regulations which specify prima facie rates for credit property insurance and credit unemployment insurance based on presumptive loss ratios, with a target loss ratio of 60% or any other loss ratio as may be dictated after applying certain factors listed in the section. This section states that the presumptive loss ratio for credit property insurance and credit unemployment insurance shall be 60%. The section sets forth the method of calculating the loss ratio, and states when a rate shall be presumed excessive under Insurance Code § 1861.05. The section explains that the regulations contain prima facie rates based on benchmark programs set forth in the regulations. The section specifies when an insurer may use a program which is different from a benchmark program.

Section 2670.6. Prima Facie Rates for Benchmark Programs.

Existing law does not specify the prima facie rates required by Insurance Code § 779.36. This section specifies the prima facie rates for the benchmark programs set forth in the proposed regulations.

Section 2670.7. Calculation of the Maximum Permitted Premium.

Existing law does not specify how rates for credit property insurance and credit unemployment insurance shall be calculated under the rate regulation requirements of Insurance Code § 779.36. This section specifies how rates shall be calculated.

Section 2670.8. Rate Changes.

Existing law does not specify the manner in which insurers are to make rate changes in order to comply with the requirements of Insurance Code § 779.36. This section tells insurers under what circumstances they must file a proposed rate decrease, and under what circumstances they must file a proposed rate increase. The section states that a proposed rate may not exceed the maximum permitted premium. However, the Commissioner may approve a rate higher than the maximum permitted premium if a lower rate provides inadequate allowances for the factors set

forth in Insurance Code § 779.36. The Commissioner shall disapprove a rate if the insurer does not demonstrate that the rate has been determined in accordance with the law.

The section specifies the time frames within which rate decreases and rate increases shall become effective. It restricts the ability of an insurer to raise rates when assuming business or when transferring a creditor or creditor group to another experience group. The section allows the Commissioner to consider proposals for rates in excess of the maximum permitted premium rates for specific creditors, creditor groups, or products if it is demonstrated that the maximum permitted premium rates provide inadequate allowances for the factors listed in Insurance Code § 779.36.

Section 2670.9. Table.

Existing law does not explain how to determine the credibility factor to be used in calculating credit property insurance rates or credit unemployment insurance rates. This section sets forth a table and instructions by which that can be done.

Section 2670.10. Certificate of Insurance; Filing Requirements.

The Insurance Code does not expressly state that certificates of insurance (which are issued to the certificate holder, i.e., the consumer) for credit property insurance or credit unemployment insurance must set forth all applicable coverages, exclusions, and limits of liability. In addition, the Insurance Code does not expressly state that the coverages, exclusions, and limits of liability in a master policy which pertain to certificates of insurance issued under the master policy must match the coverages, exclusions, and limits of liability set forth in a certificate of insurance issued under the master policy. This section requires that all applicable coverages, exclusions, and limits of liability must be set forth in each certificate of insurance, and requires that these provisions be consistent with the coverages, exclusions, and limits of liability contained in the master policy under which the certificate is issued. This section also provides that every rate filing subject to the regulations shall include copies of the certificate of insurance and master policy used in the program for which the rate filing is made.

Section 2670.11. Cancellation of Coverage and Return Premium.

The Insurance Code contains no provisions which specify the method by which return premium should be calculated when a certificate holder cancels a policy of credit unemployment insurance or a policy of credit property insurance other than single interest credit property insurance coverage on a closed end plan of indebtedness. This section provides that in the event

the certificate holder cancels coverage of a policy covered by the section, any return premium shall be computed on a prorata basis if the premium is paid monthly, and by the Rule of 78's if the premium is paid annually and the coverage provided pays off the entire balance of the certificate holder's indebtedness.

Article 4. Benchmark Programs for Credit Property Insurance.

Section 2670.12. Benchmark Number One: Provisions for Dual Interest Credit Property Insurance on an Open End Plan of Indebtedness.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for dual interest credit property insurance on an open end plan of indebtedness, a form of credit property insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.13. Benchmark Number Two: Provisions for Dual Interest Credit Property Insurance on a Closed End Plan of Indebtedness.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for dual interest credit property insurance on a closed end plan of indebtedness, a form of credit property insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.14. Benchmark Number Three: Provisions for Dual Interest Credit Property Insurance on a Closed End Loan Secured by Personal Property.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for dual interest credit property insurance on a closed end loan secured by personal property, a form of credit property insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Article 5. Benchmark Provisions for Credit Unemployment Insurance.

Section 2670.17. Benchmark Number Six: Provisions for 30-Day Retroactive Credit Unemployment Insurance on an Open End Plan of Indebtedness, and Paying Minimum Monthly Payment.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day retroactive credit unemployment insurance on an open end plan of indebtedness, and paying the minimum monthly payment, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.18. Benchmark Number Seven: Provisions for 30-Day Non-Retroactive Credit Unemployment Insurance on an Open End Plan of Indebtedness, and Paying Minimum Monthly Payment for Six Months.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day non-retroactive credit unemployment insurance on an open end plan of indebtedness, and paying the minimum monthly payment for six months, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670.19. Benchmark Number Eight: Provisions for 30-Day Retroactive Credit Unemployment Insurance on an Installment Loan Plan of Indebtedness, Paying Monthly Payment on Installment Loan Up to Twelve Monthly Payments.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day retroactive credit unemployment insurance on an installment loan plan of indebtedness, and paying the monthly payment on the installment loan up to twelve monthly payments, a form of credit

employment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Section 2670. 20. Benchmark Number Nine: Provisions for 30-Day Non-Retroactive Credit Unemployment Insurance on an Open End Plan of Indebtedness, and Paying Outstanding Balance Up to Policy Limit.

In order to determine the prima facie rates required by Insurance Code § 779.36, the Commissioner must identify the coverages and exclusions which form the basis for each prima facie rate. Existing law does not contain benchmark coverages and exclusions for credit property insurance or credit unemployment insurance. This section sets forth benchmark coverages and exclusions for 30-day non-retroactive credit unemployment insurance on an open end plan of indebtedness, and paying the outstanding balance up to the policy limit, a form of credit unemployment insurance sold in California. The benchmark provisions form the basis for a prima facie rate for these coverages and exclusions.

Article 6. Reporting Requirements.

Section 2670.20. Annual Experience Reports.

Insurance Code § 779.36 requires that the Commissioner specify prima facie rates for credit property insurance and credit unemployment insurance. Section 779.36(a) and § 779.36(c) state that the prima facie rates “shall be based upon loss experience filed with the commissioner, aggregated by class.” Section 779.36(e) provides that the Commissioner shall make insurers’ actual annual loss ratios for credit property insurance and credit unemployment insurance available to the public on an annual basis. Section 2670.21 of the proposed regulations requires insurers subject to the regulations to file annual reports of their credit property insurance and credit unemployment insurance experience statistics with the Commissioner. The section tells insurers where to file the reports, and instructs insurers on the manner in which the experience statistics shall be reported and filed. The section further requires insurers to maintain experience data on an annual basis for at least five (5) years.

Section 2670.22. Reporting Forms.

As stated above, existing law requires insurers to file annual reports of their credit property insurance and credit unemployment insurance experience statistics with the Commissioner. This section provides an address at the Department of Insurance where reporting forms may be obtained.

Article 7. Effective Date and Severability.

Section 2670.23. Effective Date.

Existing law does not state the date on which the proposed regulations will become effective, and does not establish deadlines by which insurers must make the rate filings required by the regulations. Existing law does not specify the standards by which these rate filings will be reviewed. This section establishes an effective date for the regulations as well as a deadline for insurers to make new rate filings. The section sets forth the standards by which the rate applications will be reviewed.

Section 2670.24. Severability.

Existing law does not address severability of the regulations if any provision is held invalid. This section provides that if any provision is held invalid the rest of the regulations shall not be affected.

**PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code Section 11346.45, is not required to implement the proposed regulation, because the issue addressed is not so complex that it cannot easily be reviewed during the comment period. Notwithstanding the lack of complexity of the issue, prior to publishing public notice, the California Department of Insurance mailed provided notice pursuant to CIC § 12921.7 to all persons who previously requested mailed notice of proposed regulatory action. The California Department of Insurance utilized the comments provided pursuant to the notice formulation of the proposed regulation.

**MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICTS OR COSTS WHICH
MUST BE REIMBURSED PURSUANT
TO GOVERNMENT CODE SECTION
17500 THROUGH 17630**

The proposed regulation does not impose any mandate on local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement. There are no costs to local agencies or school districts from the proposed regulations, and the proposed regulation will not affect funding to the State.

COST OR SAVINGS TO STATE AGENCIES

The Commissioner has determined that there will be no direct cost or savings to, nor will there be any new program mandates on, any state agency, local agency or school district from the proposal, and that the proposal will not affect federal funding to the state.

OTHER NON DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES

None

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

None

COMPARABLE FEDERAL STATUTES OR REGULATIONS

None

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPLETE WITH BUSINESSES IN OTHER STATES

The Department has calculated the economic impact of the proposed regulations by calculating the effect of the regulations on premium written in California in 1999, the most recent year for which annual data is available. In 1999 credit property insurers wrote approximately \$70 million of premium in California. The Department estimates that the regulations will decrease the amount of the premium written by these insurers by approximately 75%, or \$52,500,000. This would reduce the total credit property insurance premium written in California to approximately \$17,500,000 per year. The Department expects the regulations will have a similar effect on credit unemployment insurance premium written in California. In 1999 credit unemployment insurers wrote approximately \$180 million of premium in California. The Department estimates that the regulations will decrease the amount of the premium written by these insurers by approximately 75%, or \$135,000,000. This will reduce the total credit unemployment insurance premium written in California to approximately \$45,000,000 per year.

The premium reductions will affect insurers and other businesses in the chain of distribution such as lenders and retailers selling goods on credit. These businesses will incur one-time costs associated with complying with the new rates. These costs will vary widely based upon the type of business and distribution system involved and cannot be readily estimated. For example, insurers will have to make new rate filings in order to comply with Insurance Code § 779.36. However, since these insurers are already subject to the rate approval requirements of Proposition 103 (Insurance Code §§ 1861.01 et seq.) they

have made rate filings in the past and they can make the rate filings required by the regulations without unusual expense or disruption. Businesses receiving commissions, acquisition costs, or other similar expenses from insurers will likely receive reduced compensation.

The proposed regulations will take approximately \$187,500,000 annually from the pockets of lenders and retailers (in the form of compensation) and the credit insurance industry. It will put that \$187,500,000 directly into the pockets of consumers to spend on additional goods and services as they choose. One can only speculate as to the effect of this shift on the aggregate creation or elimination of jobs within the state of California, the creation of new businesses or the elimination of existing businesses in the State, or the expansion of businesses currently doing business within California. However, to the extent this transfer will have any overall effect on the huge California economy, the effect will probably be salutary.

The proposal will not have an adverse impact on the ability of California businesses to compete with businesses in other states. All insurers selling credit property insurance and credit unemployment insurance in California will be subject to the requirements of the proposed regulations, regardless of whether they are California companies or out-of-state companies. The largest writer of credit property and credit unemployment insurance in California is a Florida company, not a California company. Moreover, to the extent the regulations provide consumers with annual savings of approximately \$187,500,000, the regulations may increase competitiveness within the state because this money will be returned in some fashion to the California economy.

The changes wrought by the regulations will take place as a result of the restrictions on premium imposed by Insurance Code § 779.36, not the regulations themselves, which merely implement the terms of the statute. Given these facts, the Department has determined that the regulations themselves will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.

IMPACT ON SMALL BUSINESS

Insurers are not "small businesses" under Govt. Code Sec. 11342(h), the statute which requires the Commissioner to evaluate the effect of regulatory proposals on "small business." However, "small businesses" may comprise some part of the distribution chain of credit property insurance and credit unemployment insurance, either as "creditors" (usually, small retailers) or as insurance producers. The Department believes that most businesses affected by the regulations are excluded from the definition of

“small business” under Government Code § 11342(h)(2). However, to the extent some “small businesses” may be affected by the proposed regulations, these businesses receive compensation for their credit insurance activities, and may well receive reduced compensation as a result of the rate reductions mandated by the proposed regulations. The Department is unaware of any existing data on the aggregate credit insurance compensation paid to “small businesses” in California. To the extent any “small businesses” are affected by the regulations, this will be a result of the rate restrictions imposed by Insurance Code § 779.36, not the regulations themselves, which merely implement the terms of the statute

EFFECT ON JOBS IN CALIFORNIA

The overall cost impact on the California public is set forth above. Credit property and credit unemployment insurance coverage is sold to consumers, so the cost impact based solely on the reduction of rates would be passed on directly to members of the California credit insurance buying public as savings in their cost of credit insurance.

The cost impact on businesses directly affected by the proposed regulations is set forth above. Business entities which must comply with the proposed regulations will incur one-time costs associated with the rate filings they will have to make in order to comply with Insurance Code § 779.36. Since these insurers are already subject to the rate approval requirements of Proposition 103 (Insurance Code § 1861.01 et seq.) they have made rate filings in the past and can make the rate filings required by the regulations without unusual expense or disruption. Other one-time costs associated with complying with the regulations would vary widely based upon the types of business and distribution systems involved and cannot be readily estimated.

To the extent that the proposal has a cost impact on private persons or businesses directly affected, that cost impact is a result of the Insurance Code section being implemented, interpreted, and made specific by the proposed action.

IMPACT ON HOUSING COSTS

The proposed regulations will not affect housing costs.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code Section 11346.5(a)(13), the Commissioner must determine that no reasonable alternative considered by the Commissioner, or that has otherwise been identified and brought to the attention of the Commissioner, would be more effective in carrying out the purpose for the proposed regulations, and that no alternative would be as effective or less burdensome to private

persons or businesses directly affected than these regulations. The purpose of the proposed regulation is to implement a statutory mandate. To date, no reasonable alternative to the proposed regulations is apparent. The Commissioner, however, invites public comment on alternatives to the regulations.

AVAILABILITY OF TEXT OF THE RULEMAKING FILE

The Insurance Commissioner has prepared an initial statement that sets forth the reasons for the proposed action. The Insurance Commissioner also has available all the information upon which this proposed action is based, and the express terms of the proposed action.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California, 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon written or e-mail request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this Notice, the Informative Digest, the Initial Statement of Reasons and the proposed regulations will be sent to each person on the Insurance Department's mailing list.

WEB ACCESS

A copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained on the Department's Web site at www.insurance.ca.gov. Near the top of the page, you will see the major heading “Protecting Consumers.” In this section, scroll down until you see the subheading “BE INFORMED.” Click on the nearby “Search for Proposed Regulations” link. When the search field appears, enter “RH 386” (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code Section that the regulations implement (for instance, “1861.02(c)”), or search by the key word (credit insurance for example.). Then click on the “Submit” button to display links to the various filing documents.

For those without Web access, contact Donald Hilla at the address and FAX above, or by telephone at (415) 538-4108.

**AVAILABILITY OF CHANGED OR
MODIFIED LANGUAGE**

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

**TITLE 10. MANAGED RISK
MEDICAL INSURANCE BOARD**

**NOTICE OF PROPOSED REGULATIONS
R-2-01**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) proposes to permanently adopt changes to Chapter 5.8 of Title 10 of the California Code of Regulations. MRMIB has scheduled a public hearing in Sacramento, California for July 8, 2002 from 1:00 pm to 2:00 pm at the following address:

1000 G Street, Suite 450
Large Conference Room
Sacramento, CA 95814

The action is being initiated under the authority of Insurance Code Section 12693.21(n). The regulations add parental coverage to the Healthy Families Program, a health, dental, and vision insurance program for children in low and moderate-income families.

It is requested, but not required, that any person wishing to present testimony should register at 1:00 pm on July 8, 2002. The hearing will be adjourned immediately following the completion of oral and written testimony presentations. This public hearing is for the purpose of considering regulations. The MRMIB upon its own motion, or at the instance of any interested persons, may adopt the proposals substantially as presented.

The MRMIB may modify the regulations after public hearing and adopt the modified regulations if the regulations as modified are sufficiently related to the text made available to the public, so that the public was adequately placed on notice that the regulations as modified could result from the proposed regulatory action. The text of any regulation as modified will be mailed to all persons who testify or submit written comments at the public hearing; submit written comments during the public comment period; and all persons who request notification, at least 15 days prior to the date on which the MRMIB adopts the

regulations. A request for a copy of any regulations as modified should be addressed to Dennis Gilliam at the address below.

Any person interested may present statements or arguments relating to the proposals in writing to:

Managed Risk Medical Insurance Board
Attn: Dennis Gilliam
1000 G Street, Suite 450
Sacramento, CA 95814

Statements or arguments relating to the proposals can also be faxed to Dennis Gilliam at (916) 327-6580 or e-mailed to dgilliam@mrmib.ca.gov.

Such written statements must be received by 5:00 pm on July 8, 2002. Written testimony received after July 8, 2002 may not be assured of consideration unless otherwise expressly stated by the hearing officer. It is requested, but not required, that persons making oral presentations at the hearing provide a written statement at the conclusion of their remarks. The above facility is accessible to persons with mobility impairments. If you are in need of a language interpreter, including sign language, at the hearing, or have other special needs, please notify MRMIB at least two weeks prior to the hearing.

An Informative Digest/Policy Statement Overview for the proposed regulation changes, including a Fiscal Impact Statement and other required determinations are included below. These regulations are written in plain English. An Initial Statement of Reasons for the proposed action has been prepared. These, and copies of the proposed regulations, may be requested by telephone, or by writing to the above address. In addition, the Board has available, a rulemaking file, which contains all the information upon which the proposed regulations are based. This file is available for public perusal at the MRMIB office (see address above), during normal office hours, 8:00 am to 5:00 pm, Monday through Friday. The pertinent documents (proposed regulations and Initial Statement of Reasons) pertaining to this rulemaking can be obtained on MRMIB's website at www.mrmib.ca.gov. The final Statement of Reasons can be obtained when available, after the public hearing and final adoption, by contacting Dennis Gilliam at (916) 324-4695 or dgilliam@mrmib.ca.gov.

Please address questions and requests for available information concerning the proposed regulations to Dennis Gilliam or Kelli Alten at (916) 324-4695 at the address listed above. This person can answer questions regarding the substance of the proposed regulations or can direct the question to the appropriate person within the Board. Dennis Gilliam is designated as the small business advocate contact person for the Board.

PUBLIC NOTICE

The Managed Risk Medical Insurance Board (MRMIB) proposes to adopt changes to Chapter 5.8 of Title 10 of the California Code of Regulations. These changes are necessary to reflect changes made in AB 1015 (Chapter 946, Statutes of 2000) directing MRMIB to submit a parental coverage waiver and to implement the expansion on federal approval of the waiver. The Centers for Medicare and Medicaid Services approved California's Title XXI 115 waiver on January 25, 2002. The law the Board seeks to make specific by this filing is Part 6.2 of Division 2 of the Insurance Code, Sections 12693.02, 12693.05, 12693.065, 12693.21, 12693.32, 12693.325, 12693.42, 12693.60, 12693.61, 12693.615, 12693.62, 12693.63, 12693.64, 12693.65, 12693.70, 12693.71, 12693.755, 12693.76, 12693.98 and 12693.981.

Title 10, Chapter 5.8

Adopt:* 2699.6606, 2699.6711, 2699.6631 and 2699.6717

Amend: 2699.6500, 2699.6600, 2699.6605, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6623, 2699.6625, 2699.6629, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6800, 2699.6801, 2699.6809, 2699.6811, 2699.6813, 2699.6815 and 2699.6819

Amended and Renumbered: 2699.6711, 2699.6713, 2699.6715, 2699.6717, 2699.6719 and 2699.6721

* Sections 2699.6711 and 2699.6717 are new regulation sections using existing numbers to maintain logical order.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In August 1997, the Federal Government established a new program, the State Children's Health Insurance Program (SCHIP), by adding Title XXI to the Social Security Act. The purpose of the program is to provide health services to uninsured, low-income children. The program is targeted to serve children whose family's income, although low, is too high to qualify for the Title XIX Medicaid Program, called Medi-Cal in California. The Legislature passed, and the Governor signed AB 1126, resulting in Chapter 623, Statutes of 1997. Under that law, California has taken the option of both expanding its Medi-Cal Program and establishing a new program. The Department of Health Services (DHS) handles the Medi-Cal expansion through its own regulations. The Managed Risk Medical Insurance Board (MRMIB) was given the responsibility for establishing the new

Healthy Families Program (HFP). The basic structure of the HFP is set out in regulations approved by the Office of Administrative Law, which established Chapter 5.8 of Title 10 of the California Code of Regulations.

On July 31, 2000 the Center for Medicare and Medicaid Services (CMS)(formerly the Health Care Financing Administration)(HCFA), the federal agency that approves state requests for Title XXI funding, released guidelines describing how states could request Title XXI 1115 waivers to use Title XXI funds for a variety of health coverage and service expansions. Title XXI 1115 waivers allow states to demonstrate how State-initiated innovations not otherwise permitted under the law will help a State accomplish the goals of the SCHIP program. On September 29, 2000, the Governor signed into law AB1015 (Chapter 946, Statues of 2000) directing the Board to submit a parental coverage waiver and to implement the expansion on federal approval of the waiver. On December 19, 2000, California submitted its Title XXI 1115 waiver request to CMS requesting approval to expand the HFP to provide coverage to parents and other adults responsible for children enrolled in no-cost Medi-Cal or the HFP. California's Title XXI 1115 waiver request was approved by CMS on January 25, 2002 for a 5-year period. The HFP expansion will be implemented effective July 1, 2002, if funding is made available for parental expansion in the 2002/2003 budget.

As a result of the waiver expansion, MRMIB revised the HFP regulations to incorporate the changes necessary to administer the expansion of the HFP to include eligible parents, to expand the program's health, dental, and vision benefits to cover adults, and to make other program improvement changes to the HFP as a whole that are necessary for parental expansion to work. The following pages describe the changes made:

Article 1. Definitions

- Revisions are made to Section 2699.6500 to add new definitions and modify existing definitions as a result of including a new population of eligible members in the HFP.

California's 1115 waiver requested and obtained authorization from the federal government to receive federal funding to expand the HFP to provide coverage to parents, stepparents, caretaker relatives, and legal guardians who live in the home with a child enrolled in no-cost Medi-Cal or the HFP. Prior to the 1115 waiver expansion, only children between the ages of birth through age 18 were permitted to participate in the HFP. Expanding the HFP to include parents required the addition of new terms with their definitions, and modifications to existing definitions.

Article 2. Eligibility, Application, and Enrollment

- Changes to Section 2699.6600 due to the revision of the Medi-Cal/Healthy Families Program Application

DHS and MRMIB created a mail-in application that applicants use to apply for either Medi-Cal or the HFP. The Medi-Cal/Healthy Families application provisions are detailed in Section 2699.6600 of the HFP regulations. Expanding the HFP to include parents requires changes to the joint application, and consequently to provisions in Section 2699.6600.

- Provisions for administering a waiting list if the HFP is closed to new enrollment of parents due to lack of funding

As part of the 1115 waiver, the State committed to the federal CMS that it would guarantee coverage in the HFP for all eligible children. Therefore, the State may need to close the HFP to new enrollments of child-linked adults if there is insufficient state and/or federal funds available for the program. Section 2699.6605 has been revised to eliminate the provisions that permit a waiting list for children, and instead establish guidelines governing the creation of a waiting list for child-linked adults should it become necessary.

- Review of applications for completeness

Section 2699.6605 previously addressed two aspects of the review of an application: 1) a review to determine whether program funding permits the new enrollment of a child-linked adult, and the steps that will be taken if funding is insufficient, and 2) a review of the application for completeness if funding is adequate or if the program will be closed to new enrollment of child-linked adults for 6 weeks or less. Section 2699.6605 is revised to eliminate provisions formerly contained in Subsection 2699.6605(b) regarding the review of the application for completeness. Section 2699.6605 now only addresses the program's review to determine if funding is available and the administration of a waiting list if the program must close to enrollments of child-linked adults for less than 6 weeks due to insufficient funding. Section 2699.6606 is created to address the provisions regarding a review of the application for completeness and includes the provisions that were formerly addressed in Subsection 2699.6605(b).

- Changes to the section governing determination of HFP eligibility

As a result of the expansion of the HFP to include child-linked adults, the HFP will need to determine eligibility for child-linked adults in addition to children. Although many of the eligibility guidelines established for children are applicable to parents,

revisions needed to be made to Section 2699.6607 to specify the policies the HFP will follow when determining whether child-linked adults are eligible to participate in the HFP.

Revisions to Subsection 2699.6607(a) maintain the 10 day processing timeframe for a complete application and 20 days for an incomplete application, but specify that these timeframes also apply to requests for enrollment received on an Add a New Person Application form. A technical change is made to update the reference from Subsection 2699.6605(b)(1) and (2) to the newly created Subsection 2699.6606(b)(1) and (2).

- Changes to the provisions governing the disenrollment of individuals from the HFP

Children determined to be eligible for the HFP are enrolled for a period of 12 months. Child-linked adults also will be granted 12 months of coverage from the time of enrollment. Section 2699.6611 of the HFP regulations provides the reasons why an individual may be disenrolled from the HFP and the timeframe for terminating the HFP coverage. Many of the reasons for disenrollment of children apply to child-linked adults, but child-linked adults also are subject to additional disenrollment provisions due to the fact that their eligibility for the HFP is linked to a child's enrollment in no-cost Medi-Cal or the HFP.

- Changes to provisions governing the starting date of coverage for HFP subscribers

Section 2699.6613 details when coverage will start for persons determined to be eligible for the HFP. Coverage for a subscriber begins no later than 10 days from the date the person is determined to be eligible except in specified circumstances. Changes are made to the provisions in Section 2699.6613 governing those circumstances to clarify the starting date of coverage when persons are transitioning from Medi-Cal to HFP. These changes will prevent dual coverage.

- Enrolling additional family members in the HFP

Currently, applicants are requested to complete a new application pursuant to Subsection 2699.6600 to add family members to the HFP. However, all of the information on the Medi-Cal/HFP application is not necessary to determine eligibility for and to add an additional family member to the HFP because the HFP already has information about the applicant and the household from the application that was completed by the applicant to enroll the existing subscriber children and/or subscriber parents. To simplify the process for applicants, a simplified two page application form has been designed for applicants to use to add an additional family member to the HFP. The use of the "Add a New Person Application" form requires the revisions to Section 2699.6617.

- Technical updates to Section 2699.6623, Choosing Plans

The provisions in Section 2699.6623 are revised to replace references to “children” with “persons” to assure that families choose the same health, dental, and vision plans.

- Revisions to the Annual Eligibility Review provisions

Subscribers in the HFP are granted 12 months of coverage before they must requalify in a process referred to as the Annual Eligibility Review (AER). Section 2699.6625 specifies how the Annual Eligibility Review will be conducted to determine if each subscriber requalifies for 12 additional months of coverage. Changes are made to the section to incorporate revisions and additions to other sections and to clarify existing provisions to establish that parents will have the same AER anniversary date as the subscriber child, and to revise the information collected at AER.

- Reimbursement for Enrollment Entities

Certified Application Assistants (CAAs) are individuals who are trained to provide applicants with assistance in completing a Medi-Cal/Healthy Families application or the HFP annual eligibility review information. CAAs are affiliated with qualified entities, such as clinics, schools, WIC programs, or other non-profit organizations. The entities with which the CAAs are affiliated are reimbursed by the State for applicants whom the CAAs assist in successfully enrolling one or more persons in Medi-Cal or the HFP, or in requalifying at the AER. Section 2699.6629 provides the guidelines that delineate which organizations may participate as enrollment entities and the amount of reimbursement provided by the State. Changes are made to Section 2699.6629 as follows:

Subsection 2699.6629(a) is amended to clarify that an entity rather than an individual person will be paid an application assistance fee for assisting an applicant in completing an application or the AER if the conditions in Subsections 2699.6629(a)(1) through (4) are met. This correction is required because only qualified enrollment entities are reimbursed by the state; individual CAAs are not entitled to payment.

Subsection 2699.6629(a)(1) is revised to incorporate enrollment or requalification of child-linked adults.

Changes are made to revise Subsection 2699.6629(a)(2) to clarify that an entity, not a person, may be paid an application assistance fee. A grammatical change is also made to replace “whom” with “which.”

Similarly, a change is made to Subsection 2699.6629(b) to state that the following “entities” rather than “persons” are eligible to receive application assistance fees.

The list of entities in Subsection 2699.6629(b)(1) and (2) are being separated to list each eligible enrollment entity individually. In addition, the list of entities is expanded to include: schools, faith-based organizations, licensed day-care providers, direct state Maternal and Child Health Contractors, Supplemental Food and Nutrition Programs for Women, Infants, and Children (WIC), and Parent Teacher Organizations.

Newly established Subsection 2699.6629(b)(14) provides a general definition for other types of organizations not covered above, but who meet the criteria established in Subsection 2699.6629(b)(14)(A)–(C).

- Subsection 2699.6629(b)(14)(A) specifies that the organization must have significant interaction with children or parents of children who are likely to be eligible for the HFP or for children’s Medi-Cal.
- Subsection 2699.6629(b)(14)(B) states that the organization may not be a licensed health, dental, or vision plan or an organization providing such care to children.
- Subsection 2699.6629(b)(14)(C) requires that the organization have a federal tax identification number and that it qualifies as a non-profit entity as determined by the Internal Revenue Service.

Subsection 2699.6629(d) is expanded to provide more situations in which an application assistance fee will be paid. As a result, the description of times when payment will be made is moved from Subsection 2699.6629(d) to newly established Subsections 2699.6629(d)(1) through (6). Subsection 2699.6629(d) is revised to establish these situations:

- Subsection 2699.6629(d)(1) is added to state that fifty dollars will be paid for an application pursuant to Section 2699.6600 where a child successfully enrolls in no-cost Medi-Cal or the HFP.
- Newly added Subsection 2699.6629(d)(2) provides that fifty dollars will be paid for an application pursuant to Section 2699.6600 when a child-linked adult successfully enrolls in no-cost Medi-Cal or the HFP at the same time the applicant applies for the child through whom the subscriber parent became eligible as a child-linked adult.
- Subsection 2699.6629(d)(3) is inserted and states that if children or child-linked adults on one application are enrolled in no-cost Medi-Cal and the HFP, fifty dollars will be paid for each program pursuant to Subsections 2699.6629(d)(1) and (2).

- Subsection 2699.6629(d)(4) is added and provides that twenty-five dollars will be paid per application, Add a New Person Application form, or initial enrollment form under Section 2699.6631, where a child-linked adult enrolls in the HFP during the year-long initial enrollment period if the child through whom the subscriber became eligible as a child-linked adult is already enrolled in no-cost Medi-Cal or the HFP.
- The addition of Subsection 2699.6629(d)(5) limits payment to one successful application for no-cost Medi-Cal and one successful application for the HFP per household in a year except when a child is re-enrolled in the HFP after a break in coverage.
- Subsection 2699.6629(d)(6) is inserted to state that twenty-five dollars will be paid for a successful Annual Eligibility Review for the HFP.

Subsection 2699.6629(e)(1) is amended to state that the program may determine at any time that an individual may no longer be eligible to be a CAA and/or that an entity may no longer receive application assistance fees. The conditions under which such determination can be made are eliminated; therefore, subsections 2699.6629(e)(1)(A), (B) and (C) are deleted.

Changes are made to Subsection 2699.6629(e)(2) to eliminate the requirement that the notification of the program's decisions to disqualify a CAA or entity will include the reasons for the determination. Instead, the subsection states that the notice will be provided within 5 calendar days.

Subsection 2699.6629(e)(3) is eliminated because the ability to be an enrollment entity or a CAA is considered a business relationship with the state and is not an entitlement. Formal appeal rights are not accorded to state contractors and business associates and may interfere with the state's ability to protect applicants by weeding out enrollment entities or CAAs who are unsuitable.

Subsection 2699.6629(f) is revised to align the terminology used when referring to CAAs and entities with that used in Subsections 2699.6629(a) and (b).

Language is added to Subsection 2699.6629(g) to state that participating dental and vision plans are prohibited from soliciting applicants for enrollment except as permitted by California Insurance Code 12693.325, a law change which recently set standards for dental and vision plans to provide application assistance.

- Initial expansion of the HFP to parents

Many of the parents, stepparents, caretaker relatives, and legal guardians of children already enrolled in the HFP will be eligible to participate in the HFP when it expands to include child-linked adults. To

enable eligible child-linked adults to begin receiving coverage as quickly and easily as possible, the HFP will allow these individuals during an initial enrollment period of one year to complete and submit a customized form that requests less information than is required on the Medi-Cal/HFP application. The HFP will use the information provided on the customized form to enroll eligible child-linked adults until the AER of the child or children already enrolled in the HFP. During the initial enrollment period, child-linked adults are not required to have a qualifying event as described in Section 2699.6500(ee). Newly added Section 2699.6631 details how the HFP will administer the initial enrollment period for child-linked adults.

Article 3. Health, Dental, and Vision Benefits

As part of the expansion of the HFP to parents, the Managed Risk Medical Insurance Board is proposing changes to the Scope of Health, Dental, and Vision Benefits as follows.

The Scope of Health, Dental, and Vision Benefits is changed to:

- Include benefits that are to be provided to parents pursuant to Insurance Code Section 12963.755(b)(2);
- Conform benefits to the required state employee benefit benchmarks (Insurance Code Sections 12693.60, 12693.63, and 12693.65); and
- Ensure consistency with the Knox-Keene Health Care Service Plan Act of 1975, including its amendments (Health and Safety Code Sections 1367-1374.16) and implementing regulations (California Code of Regulations Title 28 Division 1 Chapter 2).

Insurance Code Section 12693.755(b)(2) requires that the Board provide coverage to subscriber parents in accordance with the recently approved State Child Health Insurance Program waiver pursuant to Section 1397gg(e)(2)(A) of Title 42 of the United States Code. The waiver states that the benefits and copayments offered to parents will be consistent with benefits provided to state employees, through the Public Employee Retirement System (PERS)(health) and the Department of Personnel Administration (DPA)(dental and vision), as is already the case in the existing children's program (Insurance Code Sections 12693.60, 12693.63, and 12693.65).

Articulating the health plans' obligation to comply with Knox-Keene benefit standards and bringing the regulations up to date assures consistency with the standard that most health plans participating in HFP must comply with to meet licensing requirements. The Knox-Keene standard is added by the Board pursuant to Insurance Code 12693.21(h), which allows the Board to set benefit standards for the program.

- **Section 2699.6700 Scope of Health Benefits**

The subsections of Section 2699.6700 that have been amended for clarification, revision, and/or addition of benefits in order to comply with Knox-Keene and implement the parental expansion pertain to the following benefits: inpatient health services, outpatient health services, professional services, diagnostic x-ray and laboratory services, durable medical equipment benefits, prescription drug benefits, maternity benefits, family planning benefits, emergency health care services, mental health care services, home health services, home nursing benefits, physical, occupational, and speech therapy benefits, blood and blood product benefits, health education benefits, hospice benefits, transplant benefits, reconstructive surgery benefits, and benefits provided by the California Children's Services (CCS) Program and by the County Mental Health System.

The HFP requires participating health plans to identify subscribers under the age of 21 who are suspected to have conditions for which they may be eligible to receive services under the California Children's Services (CCS) Program and to refer these individuals to the local CCS Program for determination of eligibility for CCS benefits. If a subscriber is determined by the CCS Program to be eligible for CCS benefits, participating health plans shall continue to provide primary care and services unrelated to the CCS eligible condition and shall ensure coordination of services between plan providers, CCS providers, and the local CCS Program. Since parents are being added to the HFP, the Board is expanding the CCS benefits to parents who are age 19 and 20 because the CCS Program covers persons up to age 21.

HFP also requires participating health plans to identify subscriber children who are severely emotionally disturbed (SED) and to refer these individuals to their county mental health department for continued treatment of the condition. This benefit is not available to subscriber parents because the county mental health department does not provide SED services to persons over the age of 18. Subscriber parents receive medically necessary mental health services through their respective health plans in accordance with the standards in the Knox-Keene Health Care Service Plan Act of 1975, including its amendments.

- **Section 2699.6703 Excluded Health Benefits**

Several Subsections of Section 2699.6703 (health exclusions) require clarification, revision, and/or addition, to coordinate with changes made to Section 2699.6700 (scope of covered benefits). Additional clarifications and revisions are also being made at this time. These Subsections pertain to the following excluded health benefits: treatment of infertility

exclusion, act of war exclusion, exclusions for occupational injuries, and cosmetic surgery exclusions.

- **Section 2699.6705 Share of Cost for Health Benefits**

Subsections to be clarified, revised, or amended pertain to the following items: the copayment benefit year maximum; outpatient facility services copayment; the physical, occupational, and speech therapy copayment; preventive services copayment; reconstructive surgery copayment; and copayment exemptions for American Indian and Alaska Native subscribers.

All copayments are set by the Board pursuant to Insurance Code Section 1269321(h), 12693.60, and 12693.755(b)(2). The maximum copayment per benefit year that an applicant may incur is revised so that the maximum annual copayment applies to all subscribers living in a single household including parents.

- **Section 2699.6709 Scope of Dental Benefits for Subscriber Children**

Scope of Dental Benefits for Subscriber Children and Scope of Dental Benefits for Subscriber Parents are defined in two separate Sections (Section 2699.6709 and Section 2699.6711 respectively) to promote clarity and ease of understanding.

The orthodontic treatment benefit in Subsection 2699.6709(a)(8) is revised to clarify that this benefit is for subscriber children because Section 2699.6709 is the Section describing dental benefits for subscriber children.

Participating dental plans' responsibility for identification and coordination of CCS benefits is clarified. Participating plans are required to identify and refer subscribers who may be eligible for the CCS program. The CCS program covers individuals up to age 21. This Subsection is changed to clarify language and to extend this dental plan responsibility to include subscribers under the age of 21 due to expansion of the program to subscriber parents.

- **Section 2699.6711 Scope of Dental Benefits for Subscriber Parents**

This Section is added to describe dental benefits provided to subscriber parents, as required by Insurance Code Section 12693.755(b)(2) which requires the parental coverage program to be consistent with the approved waiver.

The scope of dental benefits also includes all dental benefits which are covered under the California Children's Services program (Health and Safety Code Section 123800 et seq.) for subscribers under the age

of 21 provided the subscriber meets the medical eligibility requirements of that program, as determined by that program.

- **Section 2699.6713 Excluded Dental Benefits for All Subscribers**

Subsections to be clarified, revised, or amended pertain to the following excluded dental benefits: general anesthesia exclusion, Worker's Compensation exclusions, acts of war exclusions, and pedodontist/pediatric dentist services exclusions.

- **Section 2699.6715 Share of Cost for Dental Benefits of Subscriber Children**

Subsections to be revised for formatting and to correct typographical errors pertain to the following benefits: restorative dentistry, oral surgery, endodontics, periodontics, crowns and fixed bridges, and copayment exemptions for American Indian and Alaska Native subscribers.

The five dollar copayment for restorative dentistry is also removed.

- **Section 2699.6717 Share of Cost for Dental Benefits for Subscriber Parents**

This Section is added to describe share of cost for dental benefits provided to subscriber parents, as required by Insurance Code Section 12693.755(b)(2) which requires the parental coverage program to be consistent with the approved waiver. These copayments are consistent with the copayments for the State employee dental program.

- **Section 2699.6721 Scope of Vision Benefits**

Participating vision plans' responsibility for identification and coordination of CCS benefits is clarified. The alternative copayment for elective contact lenses is being amended to allow for a maximum benefit allowance of \$110. The low vision benefit for subscriber parents requires a \$5 copayment. The CCS vision benefits are expanded to subscribers under the age of 21.

All benefits in this Section are provided to both subscriber children and subscriber parents as required by Insurance Code Section 12693.755(b)(2) which requires the parental coverage program to be consistent with the approved waiver. These copayments are consistent with the copayments for the State employee vision program.

- **Section 2699.6723 Excluded Vision Benefits**

Exclusions for replacement or repairs of lenses and frame as well as Worker's Compensation are being clarified.

All exclusions in this Section are for both subscriber children and subscriber parents as required by Insurance Code Section 12693.755(b)(2) which requires the parental coverage program to be consistent with the approved waiver.

- **Section 2699.6725 Share of Cost for Vision Benefits**

The effective date for copayment exemptions for American Indian and Alaska Native subscribers is stricken because the date has already occurred. A typographical error is also corrected. Subscriber Parent copayments are also described.

All copayments in this Section are for both subscriber children and subscriber parents as required by Insurance Code Section 12693.755(b)(2) which requires the parental coverage program to be consistent with the approved waiver.

Article 4. Risk Categories and Family Contributions

- **Revisions to provisions governing rates paid to dental and vision plans**

Section 2699.6800 details the guidelines governing the risk categories for rates paid to dental and vision plans for subscriber children. Changes are made to this section to establish the risk categories for subscriber parents due to the inclusion of child-linked adults in the HFP, including two risk categories for age, under 45 and 45 and older.

- **Revisions to provisions governing rates paid to health plans for subscriber children**

Section 2699.6801 details the guidelines governing how rates paid to health plans are determined for subscriber children. Changes are made to this section to reflect the addition of parents in the HFP, and to establish the rates to be paid by parents for participation.

- **Technical change to Subsection 2699.6807**

A technical change is made to Section 2699.6807 to refer to Section 2699.6800 rather than Subsection 2699.6800(a).

- **Changes to section 2699.6809 governing determination of family contributions for the HFP**

Section 2699.6809 contains the provisions that establish the family contributions, or premium levels, for the HFP. Under the 1115 waiver expansion, different premium levels will be in effect for children and parents. Amendments are made to Section 2699.6809 to establish that the family contributions provisions that are already contained in this section only apply to subscriber children. The new family contributions amounts in effect for subscriber parents are inserted and additional revisions are made to reflect other changes to family contributions under the 1115 expansion waiver.

- Revisions to Section 2699.6811

Section 2699.6811 established guidelines for when the program will notify applicants of changes in family contribution rates in writing. Language stating that the program will notify applicants of changes in family child contributions or family parent contributions at least thirty calendar days prior to the effective date of the change is eliminated.

- Changes to procedures for paying family contributions

Section 2699.6813 establishes the procedures that applicants follow when paying their premium to the HFP. Changes made to this section to reflect a change in the application of the initial family contributions payment from the effective date of coverage to the first day of the first full month of coverage. Revisions are also made to reflect the addition of subscriber parents to the HFP and to conform with other changes made to the timeframe for required documentation for American Indian/Alaska Native persons.

- Changes to provisions governing treatment of overdue premium payments and disenrollments due to nonpayment of premiums

Section 2699.6815 establishes the procedures governing the program's actions in regard to overdue premium payments and disenrollments due to nonpayment of premiums. Revisions are made to bring payment of parent premiums in line with the process for children premiums. However, an incomplete premium payment will be applied toward children first, since children have primacy of enrollment over parents.

- Revisions to sections governing sponsorship of family contributions

Subsections 2699.6817, 6819, 6821, .6823, and .6825 establish the guidelines for sponsorship of family contributions. Revisions are made to subsection 2699.6819 due to provisions in the 1115 expansion waiver that expand the availability of sponsorship from beyond the initial 12 months of program enrollment to any point during a subscriber's enrollment in the HFP.

In accordance with the 1115 waiver process, public workshops were held on parental expansion on January 16, 2001 in Los Angeles and January 17, 2001 in Sacramento. In addition, the regulation changes were reviewed in public at the January 17, 2001, February 7, 2001, February 21, 2001, March 21, 2001, May 23, 2001, June 20, 2001, July 18, 2001, September 19, 2001, October 17, 2001, November 14, 2001, and December 19, 2001 meetings of the Managed Risk Medical Insurance Board. The Board unanimously approved the adoption of the regulation changes at their February 27, 2002 meeting. These

regulations were filed as emergency regulations with the Secretary of State in accordance with Chapter 946 and were effective on April 29, 2002. These regulations are now being offered for public review through the public notice and hearing process.

DETERMINATIONS

In accordance with Government Code Section 11346.5(A)(7), the Managed Risk Medical Insurance Board must determine that no reasonable alternative considered by the Board, or that has been otherwise identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

The Managed Risk Medical Insurance Board has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Board has made an initial determination that this regulatory action will have no effect on California housing costs.

FISCAL IMPACT ESTIMATE

There are no non-discretionary costs or new costs to local agency school districts.

There is no adverse economic impact on California business including the ability of California business to compete in other states. The Healthy Families and Medi-Cal programs impacted by these regulations are for private families. There is a positive impact on private families, who can now voluntarily purchase health, dental and vision coverage through the HFP for the entire family.

State and Federal Impact: The Healthy Families Program is funded through the federal Title XXI State Children's Health Insurance Program (SCHIP), and the expansion for parental coverage and other program enhancements made through these regulations will generally be funded at a 35/65 state/federal funding ratio. The cost of administering the implementation of the parental expansion, and other program improvements is \$2,701,500 in current year funds, and is already included in the Current Year Budget.

Costs for certain program improvements which impact the program as a whole, such as "true-up" of initial premiums (Section 2699.6813), the HFP-to-Medi-Cal two month bridge (Section 2699.6611) and the family contribution discount for using electronic fund transfers (Section 2699.6809) total \$7,586,287 in state and federal funds. These cost estimates are included in the Governor's proposed 2002-03 budget.

Budget year costs for the parental coverage expansion are not included in the Governor's proposed budget, but the Board has been given direction from the Administration to implement the waiver for the Budget Year, if funding is made available through the budget process. To account for this uncertainty, the Board has added a definition, "Parental coverage start date" to Section 2699.6500. This establishes that parental coverage will start July 1, 2002, or such later date specified in the 2002-03 Budget Act or other state statute.

The total Budget Year cost estimate for parental coverage is \$243,730,674 in state and federal funds. This total includes a \$1,908,774 estimate for the one time only \$25 "Add a Parent" enrollment fee, paid to Enrollment Entities for the one year open enrollment period for parents of existing HFP covered children. This cost is part of the Department of Health Services HFP/Medi-Cal for Families outreach program, and will be in the DHS budget (Sections 2699.6629 and 2699.6631).

There is no other impact on any department or program other than the Managed Risk Medical Insurance Board and its programs.

BUSINESS IMPACT ASSESSMENT STATEMENT

The Board has made an initial determination regarding the impact of these regulatory changes on California's businesses. There is no known significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The changes involve individuals who are applying for and receiving health coverage through the HFP. Health, dental and vision providers and Enrollment Entities serving children in the HFP may have increased business due to the program expansion to include parents. However, the amount of funds distributed to providers will not be significant enough to either create new jobs or businesses or eliminate existing jobs or businesses or affect the expansion of businesses currently doing business within California.

SMALL BUSINESS IMPACT STATEMENT

These regulation changes impact small businesses. Most of the enrollment entities who can receive application assistance fees are small businesses. These regulations expand the situations under which the fee can be received, and the categories of enrollment entities who can receive the fee.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Board has considered the cost impact on representative private persons or businesses impacted by these regulations. The Healthy Families Program

currently provides health, dental and vision insurance for children. The expansion of the program to parents of eligible children will have a positive impact on individuals, who will now be eligible for health, dental and vision insurance, and businesses, such as health, dental and vision plans and providers, who provide program services.

AUTHORITY AND REFERENCES

Authority: Sections 12693.21 and 12693.755, Insurance Code

Reference: Sections 12693.02, 12693.05, 12693.065, 12693.21, 12693.32, 12693.325, 12693.42, 12693.60, 12693.61, 12693.615, 12693.62, 12693.63, 12693.64, 12693.65, 12693.70, 12693.71, 12693.755, 12693.76, 12693.98 and 12693.981, Insurance Code

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

[Notice Published May 24, 2002]

NOTICE OF PROPOSED RULEMAKING

Administrative Civil Penalty Determinations—2002

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend the following section of Title 14 of the California Code of Regulations (14 CCR):

§ 1058.5 Determination

PUBLIC HEARING

The Board will hold a public hearing starting at 11:00 A.M., on Wednesday, July 10, 2002, at the Red Lion Hotel, 1830 Hilltop Drive, Redding, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, July 8, 2002. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Public Resources Code (PRC) § 4551, 4551.5, and 4553 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific section 4601.2 of the Public Resources Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The regulations contained in 14CCR § 1058.5 govern procedures for action by the Board following an Administrative Law Judge (ALJ) decision pursuant to Public Resources Code (PRC) § 4601.2 concerning issuance of an administrative civil penalty by the Director of the Department of Forestry and Fire Protection (Director).

This section defines the Boards' possible actions following its receipt of the ALJ's proposed decision. The regulations contained in 14CCR § 1058.5 are to be modified to allow an additional period of 60 days for review of the transcripts of the proceedings of an ALJ hearing after the Board receives the transcripts and only in those cases that transcripts are requested.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- Significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The Board has made an initial determination that there will be no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418 or,
(916) 653-8007

The designated backup person in the event Mr. Mote is not available is Daniel Sendek, Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at: http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

a) testified at the hearings,

- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD OF REGISTERED NURSING

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Board of Registered Nursing, 400 R Street, Suite 4030, Sacramento, California, at 10:00 am, on July 10, 2002. Written comments must be received by the Board of Registered Nursing at its office not later than 5:00 p.m. on July 10, 2002 or must be received by the Board at the hearing. Written comments may be submitted by mail at the address listed above, by email at ellen_jibben@dca.ca.gov, or by fax at (916) 327-4402. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148 and 2715 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9 and 148 of said Code, the Board of Registered Nursing is considering changes to Division 14 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Sections 125.9 and 148 permit the Board of Registered Nursing to establish, by regulation, a citation and fine system. The statutes specify a number of provisions for the system, including: content of the citation; \$2500 cap on fines; criteria to be considered in assessing the fine; authority

to issue an order of abatement, if appropriate; appeal process; and denial of license renewal for failure to pay an uncontested fine.

Existing regulations specify: the citation content and method of service; circumstances under which a citation cannot be issued; citable violations; range of fines for the violations; criteria to be considered in assessing fines; appeal process for contested citations; consequences for failure to comply with dictation or order of abatement; and notification of other nursing boards and regulatory agencies once citation becomes final.

The proposed regulations would:

Amend CCR1435.2 to enable the Executive Officer or designee to issue citations and fines for violation of any section of the Business and Professions Code, California Code of Regulations, or any other statutes governing the practice of registered nursing.

Amend CCR1435.3 to add Section 1435.2 to the list of provisions that must be met when issuing citations to unlicensed individuals.

Amend CCR 1435.5 to modify the contested citation process.

Add CCR 1435.15 to provide public disclosure, record retention, and record purging requirements.

CCR1435, 1435.2, 1435.3, 1435.5, 1435.6 are amended for purposes of grammar. Specifically, all references to "executive officer" are changed to "Executive Officer",

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The proposal would have minimal cost impact on registered nurses or unlicensed individuals who are issued a citation by the Board. Specifically, citations include fines that range from \$100 to \$2500.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The regulatory proposal modifies the Board's citation and fine system. It affects registered nurses and unlicensed individuals who violate the Nursing Practice Act; it does not affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Registered Nursing at 400 R Street, Suite 4030, Sacramento, CA 95814-6200.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person, named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to Ellen Jibben at 400 R Street, Suite 4030, Sacramento, CA 95814 or at (916) 324-4605, or fax to (916) 327-4402, or email to ellen_jibben@dca.ca.gov.

The backup contact person is Heidi Goodman at (916) 324-2715, or fax to (916) 327-4402, or email to heidi_goodman@dca.ca.gov.

The person designated to respond to questions on the substance of the regulatory proposal is Geri Nibbs at (916) 324-2715 or fax to (916) 327-4402, or email to geri_nibbs@dca.ca.gov.

Website Access: Materials regarding this proposal can be found at the Board's website: www.rn.ca.gov.

TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Bureau of Security and Investigative Services (hereinafter referred to as "BSIS" or the "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments only in writing.

Written comments, including those sent by mail, facsimile, or e-mail should be addressed to Noreene DeKoning, the contact person identified in this Notice. The Bureau must receive all written comments at its office not later than 5:00 p.m., July 8, 2002.

The Bureau does not intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make such a request in writing to the Bureau. The written request for such a hearing must be sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice and must be received by the Bureau at its office no later than 5:00 p.m. on June 23, 2002.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7501.6 of the Business and Professions Code, and to implement, interpret or make specific Sections 7511 of said Code, the Bureau of

Security and Investigative Services is considering changes to Division 7 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 7501.6 authorizes the director to amend, adopt, or repeal regulations for the administration and enforcement of the Collateral Recovery Act. Statutes of 1999, chapter 456 (SB-378) allows the Bureau to charge specific amounts for the licensing and registration of the Collateral Recovery Industry. This regulation will clarify the actual amount the Bureau will charge as licensing and registration fees under section 7511 of the Business and Professions Code.

1. Adopt section 642 of the California Code of Regulations to further define the revenue section 7511 (a)-(l) of the Business and Professions Code.

Business and Professions Code section 7501.6 authorizes the director to amend, adopt, or repeal regulations for the administration and enforcement of the Collateral Recovery Act. Business and Professions Code section 7511, as amended by Assembly Bill 378 (Stats. 1999, Chapter 456; Kelley) establishes the fees for the licensing and registration of persons subject to the Collateral Recovery Act. Proposed Section 642 of Title 16 of the California Code of Regulations will set forth the actual fee amounts that BSIS will charge the licensees under section 7511 of the Business and Professions Code.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: NONE

Business Impact: The bureau has determined that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states. Collateral Recovery Companies will actually be paying less to renew their company licenses.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State

of California. Collateral Recovery companies will actually be paying less to renew their company licenses.

Cost Impact on Private Persons or Entities:

The Bureau has determined that the proposed regulatory action will have a cost impact that a representative private person would necessarily incur in reasonable compliance with the proposed action. However, the cost will be less than it was on an annual basis by approximately 25%. The license fee will be for a two-year period under the new statutes and regulations.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations may have an effect on small businesses.

The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**STATEMENT OF REASONS
AND INFORMATION**

The Bureau has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Security and Investigative Services at 401 "S" Street, Suite 101, Sacramento, California 95814.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Name: Noreene DeKoning
Address: 401 "S" Street, Suite 101
Sacramento, CA 95814
Telephone No.: (916) 323-1180
Fax: (916) 323-1182
E-Mail: noreene_dekoning@dca.ca.gov

The backup contact person is:

Name: Ms. Sherrie Moffet-Bell
Address: 401 "S" Street, Suite 101
Sacramento, CA 95814
Telephone No: (916) 322-7530
Fax: (916) 323-1182
E-Mail Address: bsis@dca.ca.gov

Inquiries concerning the substance of the proposed regulation may be directed to Noreene DeKoning, (916) 323-1180

Web site Access: Materials regarding this proposal can be found on the Bureau's web site at www.dca.ca.gov/bsis.

TITLE 18. FRANCHISE TAX BOARD

As required by Government Code section 11346.4, this is notice of intention to adopt amendments to California Code of Regulations, title 18, section 24344, subsection (c), pertaining to offset of interest expense incurred for foreign investment. There will not be a public hearing unless requested by an interested person at least 15 days before the close of the written comment period. Any request for a public hearing should be submitted to the agency officer named below.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., July 22, 2002. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY & REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), Part 10.7 (commencing with Section 21001) and Part 11 (commencing with Section 23001) of the Revenue and Taxation Code. The proposed regulatory action interprets, implements, and makes specific Revenue and Taxation Code section 24344, subdivision (c).

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

California Code of Regulations, title 18, section 24344, subsection (c), currently sets forth a definition of "commonly controlled group" that was based upon the prior version of Revenue and Taxation Code section 25105 and the case law decided thereunder. Revenue and Taxation Code section 25105 was amended in 1994 to incorporate the interpretations of what constitutes a "commonly controlled group" found in the case law. Additionally, Revenue and Taxation Code sections 24411 and 25110, and the regulations thereunder, relating to the computation of the California tax liability of a unitary group the members of which are affiliated with foreign corporations, have been amended to refer to Revenue and Taxation Code section 25105 rather than to set forth a separate definition of a "commonly controlled group."

This is an amendment that will incorporate the definition of "commonly controlled group" as found in Revenue and Taxation Code section 25105 into California Code of Regulations, title 18, section 24344, subsection (c). Additionally, the amendment would correct the word "and" to "or" and make the requirements of California Code of Regulations, title 18, section 24344, subsections (c)(2)(A)1.a. and b., disjunctive rather than conjunctive.

DISCLOSURES REGARDING THE PROPOSED
REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed under Part 7, commencing with Government Code Section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on the creation or elimination of jobs in the state: None.

Effect on the creation of new businesses or elimination of existing businesses within the state: None.

Effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: None because the regulation affects small businesses in the same manner as it affects individuals and other businesses.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS

The express terms of the proposed regulatory action, as well as the initial statement of reasons and all information upon which the proposed regulatory action is based, are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the comment period.

The regulation may also be adopted with modifications if the changes are nonsubstantive or the resulting regulation is sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulation as modified could result from that originally proposed. The text of the regulation as modified will be made available to the public at least 15 days prior to the date on which the regulation is adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

ADDITIONAL COMMENTS

If a hearing is held, the hearing room will be accessible to persons with physical disabilities. Also, any person who is in need of a language interpreter, including sign language, should contact the agency

officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Branch, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306; Fax: (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov, or the designated backup, Doug Powers; Tel.: (916) 845-4962; Fax: (916) 845-3648; E-Mail: doug.powers@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Karen Smith; Tel.: (916) 845-3347. This notice, the initial statement of reasons, and the express terms of the proposed regulation are also available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Whitewater Hill Wind Partners Project Riverside County

The Department of Fish and Game ("Department") received notice on May 6, 2002 that Whitewater Hill Wind Partners, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction and operation of 26 wind turbines and related facilities on land owned by the Bureau of Land Management (BLM). The activities will impact approximately 21.5 acres of desert tortoise habitat.

The U.S. Fish and Wildlife Service, on January 15, 2002, issued a no jeopardy federal biological opinion (FWS-ERIV-2057.2) which considers the Federally and State threatened desert tortoise (*Gopherus agassizii*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Whitewater Hill Wind Partners, LLC is requesting a determination on whether the federal biological opinion FWS-ERIV-2057.2 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, Whitewater Hill Wind Partners, LLC will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA No. 2080-2002-009-03

PROJECT: Tesla Substation Expansion

LOCATION: Tracy, Alameda County

NOTIFIER: Pacific Gas and Electric Co.

BACKGROUND

On March 15, 2002, the U.S. Fish and Wildlife Service (Service) issued Biological Opinion No. 1-1-01-F-0274 for the Pacific Gas and Electric Tesla Substation Expansion describing the project actions and setting forth measures to mitigate impacts to the San Joaquin kit fox (*Vulpes macrotis mutica*) and its habitat. This species is listed under the California Endangered Species Act, Fish and Game Code Sections 2050 *et seq.* ("CESA"). On April 8, 2002, the Director of the Department of Fish and Game (Department) received a notice from Pacific Gas and Electric Co. (PG&E) seeking a determination pursuant to section 2080.1 of the Fish and Game Code whether the federal Biological Opinion was consistent with CESA.

PG&E's Tesla substation is located on Patterson Pass Road in eastern Alameda County, California. The substation is situated on two contiguous parcels owned by PG&E, totaling 160 acres. Currently, 74 acres of the property is developed for the substation's operations.

The proposed project consists of system expansions at Tesla substation in two phases. The already constructed Phase I of the expansion consisted of installing a 500/230 kV transformer to the east of the substation to carry load via a minimal system connection. The Phase I project has disturbed approximately 7.76 acres of habitat (a 6.5-acre grading area and a 1.26 acre temporary access road that was made permanent). The 6.5-acre site, which includes a 4-acre pad and a drainage swale, was graded and fenced.

Phase II of the project will impact an additional 17.75 acres of grasslands, consisting of two main areas: the maintenance yard and the 500 kV switchyard extension. The maintenance yard is an area that is about 200 by 410 feet and is located adjacent to the southeast corner of the existing substation. This area will be graded, surfaced with gravel, and will be used to hold spare transformers and other electrical equipment. The 500 kV switchyard extension is located to the west of the existing 500kV yard and measures about 480 by 1300 feet. Within this area, three new transformers will be installed on concrete pads along with two new 500kV breakers, and a new

Bus Section C which includes seven 230 kV breakers and twenty-three disconnect switches.

Approximately 15.5 acres will be graded and surfaced with crushed gravel and enclosed by a chain link fence.

The new switchyard is graded and bermed such that runoff from the oil filled equipment area in the 500kV pad flows north into an oil retention pond. An existing drainage swale that runs along the western edge of the existing substation will be rerouted to run from the southeast corner of the new switchyard westward toward the northwest corner. This swale is designed to intercept surface drainage and sediment from adjacent uplands, and direct it toward Patterson Run Creek.

Implementation of the proposed project will result in the loss of 25.51 acres of habitat for the San Joaquin kit fox. PG&E informed the Service that it would compensate for the loss of kit fox habitat by protecting other habitat at a mitigation-to-impact ratio of 3:1 for natural habitat and 1.1:1 for degraded habitat.

DETERMINATION

Based on the terms and conditions in the federal Biological Opinion No. 1-1-01-F-0274, the Department has determined that the project is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code Section 2080 (b) and (c) for authorization of incidental take of species protected under CESA. Important to the Department's findings are several measures from the Biological Opinion that address expected or potential impacts to San Joaquin kit fox. These include, but are not limited to, the following:

1. PG&E will compensate for loss of 25.51 acres of San Joaquin kit fox habitat associated with Phase I and II expansion projects through the permanent protection of 74.26 acres of suitable habitat for the species. This obligation may be satisfied by purchase of credits at the Haera Ranch Conservation Bank north of the project site or at another location approved by the Service and the Department. A conservation easement over the protected habitat will be deeded to a non-profit organization qualified to hold conservation easements.
2. PG&E will prepare and obtain Service approval of a habitat management plan for the protected habitat. PG&E will also fund a non-wasting endowment account in an amount sufficient to fund implementation of all conservation measures set out in the management plan and to fund routine maintenance activities in perpetuity.
3. A number of measures to minimize construction impacts on San Joaquin kit fox will be implemented. These include exclusion areas around

occupied dens and, in certain situations, hand excavation of potential dens.

4. Conservation measures identified in the Service's *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* will be implemented.

Although biological studies and surveys do not by themselves mitigate project impacts, PG&E has also committed to provide funding up to \$100,000 to conduct baseline studies in the region of Tesla substation to assess the potential effect of future growth on the distribution and behavior of the San Joaquin kit fox. From 2001–2002, PG&E will continue to conduct scat surveys to assess the distribution of kit fox in the region of the Tesla substation. Scat surveys and analysis were initiated by PG&E biologists, and have been expanded to use scat-sniffing scent dogs to survey the kit fox's northern range (defined as Coral Hollow Creek to Black Diamond Mine) using the funds allocated above.

Pursuant to Section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for incidental take of San Joaquin kit fox. Any substantive changes to the project as described in the biological opinion, including changes to the mitigation measures, will require the notifier to obtain a new consistency determination or a CESA incidental take permit from the Department.

Although not a condition of the Biological Opinion, the Department requests that copies of the annual or periodic monitoring reports, or other circulated materials relevant to the project's effects on Sam Joaquin kit fox, be submitted to the Department's Central Coast Regional Office.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA NO. 2080-2002-010-06

Project: Union Pacific Railroad, Kelso to Cima New Second Mainline Project

Location: San Bernardino County

Notifier: HDR Engineering, Inc. for Union Pacific Railroad LC

BACKGROUND

On February 22, 2002, the U.S. Fish and Wildlife Service ("Service") issued Biological Opinion No. 1-8-01-F-36 for the Union Pacific Railroad ("UPRR") Project, describing the project actions and setting forth measures to mitigate impacts to the desert tortoise (*Gopherus agassizii*) and its habitat. On April 9, 2002, the Director of the Department of Fish and Game ("Department") received a notice from Kevin Collins,

the Project Manager for this project, seeking a determination pursuant to Fish and Game Code section 2080.1 that the federal Biological Opinion is consistent with the California Endangered Species Act ("CESA," Fish and Game Code section 2050 et seq.).

UPRR proposes to construct and operate approximately 19 miles of new railroad track between Cima, at Railroad Milepost (MP) 254.64, and Kelso, at MP 233.84. The project is within the Northeast Recovery Unit for the desert tortoise. UPRR will conduct all work inside the Mojave National Preserve. UPRR plans to remove existing track materials from the project site and either recycle or dispose of it outside the Mojave National Preserve. Existing power/communication line will continue to power the new switches, but will be relocated outside of the east setout track berm between MP 244.5 and MP 244.9. UPRR will temporarily relocate existing signals to the edge of the track embankment to provide clearance for construction. In addition, UPRR will widen twenty-six bridges, which will result in varying areas of disturbance, install five new signals, and modify fourteen existing culverts. The new and existing track will have 20-foot wide track centers, which is the distance between the centerlines of the existing mainline and the new parallel mainline. The project will impact approximately 100 acres of previously disturbed desert tortoise habitat and 10 acres of undisturbed desert tortoise habitat. UPRR has executed a streambed alteration agreement with the Department pursuant to Fish and Game Code section 1603 to address project impacts to stream courses.

DETERMINATION

After reviewing the above-referenced Biological Opinion, the Department has determined that the Federal Biological Opinion No. 1-8-01-F-36 is consistent with CESA because the project and measures described in that Opinion meet the conditions set forth in Fish and Game Code sections 2081 (b) and (c) for authorization of incidental take of species protected under CESA. The Biological Opinion's measures to mitigate project impacts to the desert tortoise include: 1) UPRR's acquisition of 450 acres of desert tortoise habitat, which would be deeded to the National Park Service, to compensate for the loss of 110 acres of desert tortoise habitat; 2) a desert tortoise education program presented to all personnel who will work on-site; 3) on-site biological supervision and monitoring conducted by a qualified biologist to minimize take of desert tortoises during all project-related activities; 4) either temporarily fencing or covering excavations at the end of each workday in unmonitored work areas to exclude desert tortoises, or placing ramps so desert tortoises can escape; 5) restricting the handling of all desert tortoises and their

eggs to an authorized biologist in accordance with the *Guidelines for Handling Desert Tortoises During Construction Projects* (Desert Tortoise Council 1994, revised 1999).

Pursuant to Section 2080.1 of the Fish and Game Code, with this determination, Union Pacific Railroad will not need to obtain authorization pursuant to CESA for take of the desert tortoise in carrying out the project, provided the proposed project is constructed, operated, and maintained as it is described in the Biological Opinion. A new consistency determination or a CESA incidental take authorization must be obtained from the Department if the project as described in the Biological Opinion, including mitigation or conservation requirements set forth in the Biological Opinion, is changed after issuance of that opinion by the Service.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2002-011-01

PROJECT: State Route 255 Seismic Retrofit of Humboldt Bay Bridges
LOCATION: Eureka, Humboldt County, California
NOTIFIER: Department of Transportation (Caltrans), North Region, Eureka

BACKGROUND

The proposed action is to seismically retrofit the existing substructures of the three State Route 255 bridges spanning Humboldt Bay (Eureka Channel, Middle Channel, and Somoa Channel bridges). The action may result in take of coho (*Oncorhynchus kisutch*), a candidate species under the California Endangered Species Act ("CESA"), Fish and Game Code 2050, et seq. The project may also result in adverse impacts to coho rearing habitat located in the Eureka Channel of Humboldt Bay. On August 15, 2001, the National Marine Fisheries Service (NMFS) issued a biological opinion and incidental take statement describing the project actions and setting forth measures to mitigate impacts to coho and its habitat. On April 5, 2002, the Director of the Department of Fish and Game received a notice from Caltrans North Region in Eureka seeking a determination pursuant to Section 2080.1 of the Fish and Game Code that the biological opinion and incidental take statement are consistent with CESA.

DETERMINATION

The Department has determined that the above referenced biological opinion and incidental take statement are consistent with CESA because the project and required mitigation measures meet the

conditions set forth in Fish and Game Code Section 2081(b) and (c) for authorization of incidental take of species protected under CESA. The incidental take statement's terms and conditions to avoid or minimize impacts to coho salmon include: (1) prohibition of inwater work within the Eureka Channel between April 1 and August 31 (except within coffer dams or as approved by NMFS); (2) implementation of site-specific best management practices, a water pollution control plan and emergency spill controls; (3) minimization and mitigation of impacts to eelgrass and mud flats capable of supporting eelgrass; (4) employment of a qualified fisheries biologist to monitor coffer dam dewatering for the purpose of capturing and relocating stranded salmonids; and (5) implementation of compliance and effectiveness monitoring.

Pursuant to Section 2080.1 of the Fish and Game Code, with this determination Caltrans will not need to obtain authorization pursuant to CESA for incidental take of coho in carrying out this project provided the project constructed remains as it is described in the biological opinion. A new consistency determination or a CESA incidental take authorization must be obtained from the Department if the project, as described in the biological opinion including mitigation or conservation requirements set forth in the biological opinion, is changed after issuance of the biological opinion by the NMFS

DEPARTMENT OF TOXICS SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On May 1, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance renewal to the City of Lancaster. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes the City of Lancaster through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information

contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On May 2, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance to Emerald Bay Service District located in Orange County. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct door-to-door household waste collections. This variance authorizes Emerald Bay Service District through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program and are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR) or permitted treatment, disposal, and storage facility. No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On May 1, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance renewal to Merced and Stanislaus Counties for a two-county agricultural used oil collection program. Authority for this action is contained in Health and Safety Code, section 25143. Authorized collection sites include:

Dickey Petroleum, LLC/76 Distributor,
1001 S. Berkeley, Turlock;
George W. Lowry Inc., 1249 Woodland Avenue,
Modesto;
Paul Oil Co, Inc, 511 S. Second Avenue, Patterson;
W.H. Bershears, 720 B Street, Modesto;
Bartlett Petroleum, 1450 G Street, Merced;
C.L. Bryant, Inc./Union 76, 101 West H Street,
Los Banos; and
Merced County Household Hazardous Waste Site,
4060 N. Highway 59, Merced

This variance authorizes these sites to participate in the two-county agricultural used oil collection program. This program authorizes qualified agricultural businesses to transport up to 55 gallons of used oil at

one time to the authorized collection locations without meeting registered transporter or hazardous waste manifesting requirements. Standards that are exempted are contained in Health and Safety Code, sections 25160 and 25163. Additional operating requirements are contained in the variance. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On May 2, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to the Regional Waste Management Authority for Yuba and Sutter County's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance authorizes the Regional Waste Management Authority's household hazardous waste collection facilities to accept and qualified small businesses to transport up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in HSC, sections 25163 and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On May 2, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a renewed variance to San Joaquin County. Authority for this action is contained in Health and Safety Code, section 25143.

Woolsey Oil, Inc., 930 East Victor Roa, Lodi
Woolsey Oil, Inc., 166 Frank West Circle, Stockton
Wright's Petroleum, 1512 Weiss Way, Escalon
Van De P0l Enterprises, Inc., 1001 West Charter Way, Stockton
Moore Petroleum Company, 5491 West "F" Street, Banta
Stockton Petroleum, 1905 Navy Drive, Stockton
E.F. Kludt & Sons, 1126 E. Pine Street, Lodi.

This variance authorizes these sites to participate in the San Joaquin County used oil collection program. This program authorizes qualified agricultural businesses to transport up to 55 gallons of used motor oil at one time to the authorized collection locations without meeting registered transporter or hazardous waste manifesting requirements. Standards that are exempted are contained in the Health and Safety Code, sections 25163, subsection (a) and 25160 respectively. Additional operating requirements are contained in the variance. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On May 1, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance renewal to Stanislaus County. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential collections. This variance authorizes Stanislaus County through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**ENVIRONMENTAL PROTECTION
INDICATORS FOR CALIFORNIA (EPIC)**

May 24, 2002

The Environmental Protection Indicators for California (EPIC) project is a collaborative effort of the California Environmental Protection Agency (Cal/EPA), the Resources Agency, the Department of Health Services, and an external advisory group consisting of representatives from business, public interest groups, academia, and local government. The

project, led by Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA), is responsible for developing and maintaining a set of "environmental indicators" for California.

OEHHA announces the availability of the following work products of the EPIC Project:

Environmental Protection Indicators for California, April 2002

(Available in hard copy and in CD-ROM versions)

This 300-page report describes the process for the identification and selection of environmental indicators that are adopted as part of the EPIC system, and presents the initial set of environmental indicators.

Environmental Protection Indicators for California: Understanding Environmental Conditions through Indicators, 2002

This 28-page document highlights selected indicators from the full report, and is intended for a broad audience.

Both documents can be downloaded from the OEHHA website at: www.oehha.ca.gov

To request a copy of either document, or for more information on the EPIC Project, contact:

Carmen Milanes

Office of Environmental Health Hazard Assessment
1001 I Street, 12th Floor, Sacramento, CA 95814

P. O. Box 4010, Sacramento, CA 95812-4010

cmilanes@oehha.ca.gov

Phone: (916) 324-2829

FAX: (916) 322-9705

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AGRICULTURAL LABOR RELATIONS BOARD

Procedures: Authorization Cards, unfair labor practice charges, notice of hearing, settlements, election & challenges, pre-petition employee lists.

This action streamlines and clarifies procedures relating to authorization cards; form contents, filing and service of charge of unfair labor practice; notice of

hearing; settlement agreements; elections and challenges; and pre-petition employee lists.

Title 2

California Code of Regulations

AMEND: 20202, 20206, 20210, 20224, 20234, 20298, 20350, 20363, 20910 REPEAL: 20106, 20205, 20213

Filed 05/09/02

Effective 06/08/02

Agency Contact:

Joseph A. Wender, Jr.

(916) 653-4054

BOARD OF EQUALIZATION

Taxable Sale of Food Products; caterers

This regulation explains the Sales and Use Tax Law as it applies to certain kinds of sales of food products, and when such sales are exempt. These amendments in part include the clarification of the definition of "caterer," which sales to caterers of property related to the furnishing and serving of meals are sales for resale, when event planners are considered "caterers," which sales by caterers to social clubs and fraternal organizations are sales for resale, and the application of tax to private chefs and to food items sold through "honor boxes."

Title 18

California Code of Regulations

AMEND: 1603

Filed 05/14/02

Effective 06/13/02

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Cigarette & Tobacco Products Tax

This regulatory action adopts a new section 4011 which allows persons not engaged in business in California to apply for a distributor's license. Holders of a distributor's license are required to file monthly reports, collect the tax, and pay it to the Board. This regulatory action also amends existing section 4061 to make more specific the procedures for refund or credit for the denominated value of unused stamps or meter impressions.

Title 18

California Code of Regulations

ADOPT: 4011 AMEND: 4061

Filed 05/13/02

Effective 06/12/02

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Permits

This regulatory action adopts a definition of "buying company."

Title 18

California Code of Regulations

AMEND: 1699

Filed 05/15/02
Effective 06/14/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION**Assessment Electric Generation Facilities**

Commencing with the assessment for the lien date for the 2003 assessment year, this regulatory action would provide that an electric generation facility shall be state assessed property for purposes of Article XIII, section 19, of the California Constitution if: (1) the facility has a generating capacity of 50 megawatts or more; and (2) is owned or used by an electrical corporation as defined in subdivisions (a) and (b) of section 218 of the Public Utilities Code; or the facility is owned or used by a company which is a state assessee for reasons other than its ownership of the electric facility or its ownership or pipelines, flumes, canals, ditches, or aqueducts lying within two or more counties.

Title 18
California Code of Regulations
AMEND: 905
Filed 05/14/02
Effective 06/13/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION**Sales of Diesel Fuel to the US and Its Agencies & Instrumentalities**

The proposed regulatory action adopts provisions clarifying the process for obtaining a refund of diesel fuel tax paid on diesel fuel sold to the United States and its agencies or instrumentalities. This action is the resubmittal of previously withdrawn OAL file number 02-0305-06S.

Title 18
California Code of Regulations
ADOPT: 1434
Filed 05/13/02
Effective 06/12/02
Agency Contact: Diane G. Olson (916) 322-9569

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD****Standards for Acceptance of Insurance as a Financial Assurance Demonstrations and Requirements**

This rulemaking action (1) specifies that captive insurance is an acceptable form of financial assurance for closure/post-closure maintenance costs for solid waste facilities only when it meets certain Department of Insurance licensing and other requirements; and (2) clarifies when and how the CIWMB may make claims against the financial assurances.

Title 27
California Code of Regulations
AMEND: 22200, 22228, 22233, 22248, Form

CIWMB 106 (08/2001)
Filed 05/09/02
Effective 06/08/02
Agency Contact: Richard Castle (916) 341-6343

CALIFORNIA POLLUTION CONTROL**FINANCING AUTHORITY****Sustainable Communities**

The proposed emergency regulatory action establishes procedures for awarding, administering, and reporting on grants or loans used for pollution reduction, assistance of economically distressed communities, and promotion of infill development.

Title 4
California Code of Regulations
ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125
Filed 05/13/02
Effective 05/13/02
Agency Contact: Sherri K. Wahl (916) 654-5951

COMMISSION ON TEACHER CREDENTIALING

This emergency rulemaking is a portion of the Commission's Phase 2 of the Teacher Credential Service Improvement Project (TCSIP), which will be operational June 3, 2002, and requires a teacher who is renewing their teaching certificate on-line, to provide an electronic signature.

Title 5
California Code of Regulations
ADOPT: 80434 AMEND: 80001
Filed 05/08/02
Effective 05/08/02
Agency Contact: Dale Janssen (916) 323-5065

CONTRACTORS STATE LICENSE BOARD**Class C-9, Drywall Contractor**

This rulemaking clarifies that the work performed by a Drywall Contractor includes laying out and fabricating gypsum wall board assemblies including nonstructural metal framing members; the application of texturing materials including the application of compounds that adhere to wall board to produce smooth or textured surfaces.

Title 16
California Code of Regulations
AMEND: 832.09
Filed 05/08/02
Effective 06/07/02
Agency Contact: Linda Morales (916) 255-4086

DEPARTMENT OF SOCIAL SERVICES**Direct Deposit**

The regulatory action is the Certificate of Compliance for the emergency regulatory action that dealt with the delivery of public assistance benefits by direct

deposit in each county that offers a program of direct deposit to some or all of their employees. (Prior OAL File 01-1120-01E; California Department of Social Services File ORD# 0901-20.)

Title MPP

California Code of Regulations

ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310

Filed 05/09/02

Effective 05/09/02

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF THE YOUTH AUTHORITY

Mental Health System

This Certification of Compliance adopts the standards for the administration of psychotropic drugs to minors when the Department is unable to obtain informed consent. (Previous OAL file #01-1121-05E)

Title 15

California Code of Regulations

ADOPT: 4746.5

Filed 05/08/02

Effective 05/08/02

Agency Contact:

Catherine Sorenson (916) 262-1437

FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code for the Fair Political Practices Commission

This conflict of interest filing was approved on April 2, 2002 by the Calif. Attorney General pursuant to Gov't Code section 82011 and is submitted to the publisher for printing in the "Calif. Code of Regulations" only.

Title 2

California Code of Regulations

AMEND: 18351

Filed 05/10/02

Effective 06/09/02

Agency Contact: Jeanette Turvill

FAIR POLITICAL PRACTICES COMMISSION

Prop.34 Reporting by Affiliated Entities

The Fair Political Practices Commission is amending section 18428 of title 2, California Code of Regulations, pertaining to reporting by affiliated entities. The Office of Administrative Law has filed the above regulatory action with the Secretary of state in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18428

Filed 05/13/02

Effective 04/25/02

Agency Contact:

Lawrence T. Woodlock (916) 322-5660

OCCUPATIONAL SAFETY AND HEALTH

STANDARDS BOARD

Elevator Access Keys

This action amends the regulations for existing and new elevators, both electric and hydraulic, to require the owner to keep the machine room locked and the keys in the elevator pit.

Title 8, 24

California Code of Regulations

AMEND: 3011(d), 3120.1 and 3122.0

Filed 05/08/02

Effective 06/07/02

Agency Contact: Marley Hart (916) 274-5721

CCR CHANGES FILED WITH THE

SECRETARY OF STATE

WITHIN JANUARY 09, 2002

TO MAY 15, 2002

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

02/22/02 AMEND: 121, Appendix A

Title 2

05/13/02 AMEND: 18428

05/10/02 AMEND: 18351

05/09/02 AMEND: 20202, 20206, 20210, 20224, 20234, 20298, 20350, 20363, 20910
REPEAL: 20106, 20205, 20213

05/02/02 AMEND: 2271

05/02/02 ADOPT: 1859.104.1, 1859.104.2, 1859.104.3 AMEND: 1859.2, 1859.21, 1859.50, 1859.51, 1859.61, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.91, 1859.95, 1859.100, 1859.101, 1859.102,

04/26/02 ADOPT: 18520 AMEND: 18521, 18523, 18523.1

04/19/02 ADOPT: 18537.1

04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33,

1859.40, 1859.41, , 1859.42, 1859.43,
1859.50, 1859.51, 1859.60, 1859.70,
1859.73.1, 1859.73.2, 1859.74.1,
1859.74.4, 1859.75.1, 1859.76,
1859.78.2, 1859.79.3, 1859.81,
1859.81.1, 1859.
04/04/02 ADOPT: 60, 60.1, 60.2, 60.3, 60.4, 60.5,
60.6, 60.7, 60.8, 60.9, 60.10
03/27/02 ADOPT: 59100
03/19/02 ADOPT: 599.930
03/18/02 AMEND: 599.502, 599.508
03/15/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.219, 1859.220
03/13/02 AMEND: 56800
03/07/02 ADOPT: 2351
02/19/02 ADOPT: 18543 REPEAL: 18543
02/19/02 ADOPT: 18530.8
02/19/02 ADOPT: 18450.11
02/14/02 ADOPT: 18404.1 REPEAL: 18404.2
02/05/02 ADOPT: 433.1 AMEND: 433
01/31/02 ADOPT: 18421.4
01/30/02 AMEND: 55300
01/24/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402
01/24/02 ADOPT: 58500
01/22/02 AMEND: 18706
01/16/02 ADOPT: 18539, 18550
01/16/02 AMEND: 18232, 18702.1, 18705.5,
18708

Title 3

05/02/02 AMEND: 3700(a), (b), & (c)
04/23/02 ADOPT: 899.2 AMEND: 899.1
04/23/02 AMEND: 3591.12(a)
04/18/02 AMEND: 6510, 6793
04/12/02 AMEND: 3423(b)
04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668,
3669
04/08/02 AMEND: 6450.2, 6450.3, 6784
04/04/02 AMEND: 3033.2, 3033.3, 3033.4
04/02/02 ADOPT: 480.9 AMEND: 480.7
03/12/02 AMEND: 3423(b)
03/12/02 AMEND: 3423(b)
03/08/02 ADOPT: 306, 6188, 6780 AMEND: 6000
02/22/02 AMEND: Div. 1, Chapter 1.1, Section 2
and Appendix
02/20/02 AMEND: 3591.16(a)
02/07/02 AMEND: 3591.12 (a)
02/04/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
02/04/02 AMEND: 3591.13 (a)
01/30/02 ADOPT: 2681, 2799 AMEND: 2675,
2676, 2694, 2695, 2697, 2701, 2734,

2773.1, 2773.5, 2774, 2774.5, 2775,
2778, 2782, 2783, 2783.5, 2788, 2789,
2790, 2790.5, 2793, 2794, 2796, 2798,
2801, 2802

01/14/02 AMEND: 3406 (b)

01/14/02 AMEND: 3423 (b)

Title 4

05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
8115, 8116, 8117, 8118, 8119, 8120,
8121, 8122, 8123, 8124, 8125
05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009,
3010 AMEND: 1928
04/16/02 AMEND: 1405, 1527
03/21/02 ADOPT: 8090, 8091, 8092, 8093, 8094,
8095, 8096, 8097, 8098, 8099, 8100,
8101
03/19/02 ADOPT: 12100, 12102, 12104, 12106,
12108, 12120, 12130
02/13/02 AMEND: 1691
02/06/02 AMEND: 1858
01/31/02 AMEND: 1467
01/28/02 AMEND: 1844
01/18/02 ADOPT: 2081
01/11/02 ADOPT: 4160, 4161, 4162, 4263, 4164,
4165, 4166, 4167, 4168, 4169, 4170,
4171 REPEAL: 4160, 4161, 4162, 4164,
4167, 4168, 4169, 4170, 4171, 4172,
4173, 4174, 4175
01/10/02 ADOPT: 2078

Title 5

05/08/02 ADOPT: 80434 AMEND: 80001
03/25/02 ADOPT: 11980, 11981, 11982, 11983,
11984, 11985, 11986
03/20/02 AMEND: 59300, 59302, 59303, 59304,
59305, 59306, 59310, 59311, 59320,
59322, 59324, 59326, 59327, 59328,
59329, 59330, 59333, 59334, 59336,
59338, 59339, 59340, 59342, 59350,
59351, 59352, 59354, 59358, 59360,
59362
03/20/02 AMEND: 50500
03/15/02 ADOPT: 11963, 11963.1, 11963.2,
11963.3, 11963.4
03/12/02 ADOPT: 18400, 18405, 18406, 18407,
18408, 18409, 18409.5, 18410, 18411,
18412, 18413, 18414, 18415, 18416,
18417, 18418, 18419, 18420, 18421,
18422, 18423, 18424, 18425, 18426,
18427, 18428, 18429, 18430, 18431,
18432, 18433, AMEND: 18409.5,
18409(e),
03/01/02 ADOPT: 11967.5, 11967.5.1
02/20/02 AMEND: 41906.5
02/19/02 ADOPT: 55753.5, 55753.7 AMEND:
55753
02/08/02 AMEND: 42350.6

02/08/02 ADOPT: 43095 REPEAL: 43101
 02/08/02 AMEND: 40407.1
 01/24/02 AMEND: 43880, 43881, 43882, 43883,
 43884
 01/24/02 AMEND: 11530, 11531

Title 7

04/04/02 ADOPT: 237

Title 8

05/07/02 ADOPT: 11080, 11090, 11100, 11110,
 11120, 11130, 11150 REPEAL: 11080,
 11090, 11100, 11130, 11130, 11150
 05/06/02 AMEND: 3089
 05/02/02 AMEND: 100, 106, 107
 05/01/02 ADOPT: 11140 AMEND: 11140
 05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,
 1671, 1709, 1710
 04/22/02 AMEND: 2320.2
 04/03/02 AMEND: 1626
 03/28/02 ADOPT: 341.15
 03/05/02 AMEND: 3251
 02/22/02 ADOPT: 11010, 11020, 11030, 11040,
 11050, 11060, 11070, 11080 REPEAL:
 11010, 11020, 11020, 11040, 11050,
 11060, 11070, 11080
 02/14/02 AMEND: 17
 02/08/02 AMEND: 3641, 3648
 01/30/02 ADOPT: New Appendix D AMEND:
 450, 453, 471, 475, 477, 494 REPEAL:
 486, 487
 01/17/02 AMEND: 5155
 01/17/02 ADOPT: 206, 207 AMEND: 201, 205,
 208, 212, 212.01, 212.2, 212.3, 212.4,
 228, 229, 230, 231, 230.1, 230.2, 234.2
 01/15/02 ADOPT: 17201, 17202, 17203, 17204,
 17205, 17206, 17207, 17208, 17209,
 17210, 17211, 17212, 17220, 17221,
 17222, 17223, 17224, 17225, 17226,
 17227, 17228, 17229, 17230, 17231,
 17232, 17234, 17235, 17236, 17237,
 17240, 17241, 17242, 17243, 17244,
 17245,
 01/15/02 ADOPT: 14300.1, 14300.2, 14300.03,
 14300.04, 14300.05, 14300.06, 14300.07,
 14300.08, 14300.09, 14300.10, 14300.11,
 14300.12, 14300.13, 14300.14, 14300.15,
 14300.16, 14300.17, 14300.18, 14300.19,
 14300.20, 14300.21, 14300.22, 14300.23,
 14300.24, 14300.25,

Title 8, 24

05/08/02 AMEND: 3011(d), 3120.1and 3122.0

Title 9

01/17/02 ADOPT: 9533 AMEND: 9500, 9505,
 9510, 9515, 9517, 9520, 9525, 9530,
 9532, 9535, 9540, 9545

Title 10

05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
 2278.4, 2278.5
 04/29/02 ADOPT: 2699.6606, 2699.6711,
 2699.6631, 2699.6631, 2699.6717
 AMEND: 2699.6500, 2699.6600,
 2699.6605, 2699.6607, 2699.6611,
 2699.6613, 2699.6617, 2699.6623,
 2699.6625, 2699.6629, 2699.6700,
 2699.6703, 2699.6705, 2699.6709,
 2699.6800, 2699.6801, 2699.6809
 04/29/02 ADOPT: 1729, 1741.5, 1950.302
 AMEND: 1741.5
 04/16/02 AMEND: 2698.73
 03/27/02 ADOPT: 260.204.9
 03/26/02 AMEND: 250.30
 03/22/02 AMEND: 2698.200, 2698.201, 2698.301,
 2698.302
 03/21/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,
 2130.4, 2130.5, 2130.6, 2130.7.8
 03/18/02 ADOPT: 1422 & 1423
 02/27/02 AMEND: 2498.6
 02/26/02 ADOPT: 2581.1, 2581.2, 2581.3, 2581.4
 02/11/02 AMEND: 5002
 02/11/02 AMEND: 10.3154
 02/11/02 AMEND: 4019
 02/07/02 AMEND: 260.102.19, 260.140.41,
 260.140.42, 260.140.45, 260.140.46
 01/31/02 ADOPT: 2192.1
 01/31/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,
 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 01/10/02 AMEND: 2318.6, 2353.1
 01/09/02 AMEND: 2248.31, 2248.32, 2248.35,
 2248.40, 2248.41, 2248.42, 2248.47

Title 11

05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,
 441, 442, 443, 444, 445, 446, 447, 448,
 449, 450, 451, 452, 453, 454, 455, 456,
 457, 458, 459, 460, 461, 462, 463, 464,
 465, 466, 467, 468, 469, 470, 471, 472,
 473, 474, 475, 476, 477, 478, 479, 480,
 481, 482, 483, 48
 04/26/02 AMEND: 1005, 1008
 04/25/02 ADOPT: 1081(a)(32)
 04/23/02 AMEND: 3000. 3001, 3003, 3007, 3008
 04/22/02 AMEND: 900, 901, 902, 903, 904, 905,
 906, 907, 908, 911
 04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
 999.14, Appendix A
 03/14/02 ADOPT: 1081(a) [31]
 03/11/02 AMEND: 1005, 1007
 03/07/02 AMEND: 1018
 03/06/02 ADOPT: Article 20, Section 51.19
 02/25/02 ADOPT: 410, 411, 415, 416, 417, 418,
 419, 420, 421, 422, 423, 424, 425, 426
 02/19/02 AMEND: 20

01/14/02 AMEND: 1005
01/09/02 AMEND: 1081

Title 13

04/29/02 AMEND: 350.44
04/04/02 ADOPT: 565
03/25/02 AMEND: 345.04, 345.41
03/20/02 ADOPT: 1235.1, 1235.2, 1235.3, 1235.4,
1235.5, 1235.6 AMEND: 1200
03/08/02 ADOPT: 593.3
02/19/02 ADOPT: 156.00
02/05/02 AMEND: 160.00, 170.00
01/30/02 AMEND: 553.70
01/18/02 AMEND: 599
01/10/02 AMEND: 50.45 REPEAL: 50.40

Title 14

04/29/02 AMEND: 27.80
04/11/02 ADOPT: 104.1
04/10/02 AMEND: 27.67
04/10/02 AMEND: 17943(b)(26)
04/04/02 AMEND: 670.2
03/26/02 AMEND: 28.59
03/25/02 ADOPT: 180.15
03/25/02 AMEND: 2090, 2105, 2420, 2425, 2530,
2690
03/14/02 AMEND: 150
03/14/02 AMEND: 180.3
03/13/02 ADOPT: 18627
03/04/02 ADOPT: 17211, 17211.1, 17211.2,
17211.3, 17211.4, 17211.5, 17211.6,
17211.7, 17211.8, 17211.9
03/04/02 AMEND: 2030
02/28/02 ADOPT: 4971
02/22/02 AMEND: 2135
02/04/02 AMEND: 17979
01/16/02 AMEND: 17943(b)(26)
01/10/02 ADOPT: 2.10, 5.60, 28.59 AMEND:
1.24, 2.06, 4.00, 4.15, 5.00, 5.05, 5.15,
5.20, 5.35, 5.40, 5.75, 7.00, 7.50, 8.00,
27.60, 27.65, 27.82, 28.27, 28.54, 28.55,
29.15, 40 REPEAL: 2.01, 2.02, 2.03,
2.04, 2.07, 2.10, 2.13, 2.14, 5.70, 41,
41.5, 42., 42.5
01/09/02 ADOPT: 14021, 14022, 14023, 14024,
14025, 14026, 14027, 14028, 14029,
14030, 14031, 14032

Title 15

05/08/02 ADOPT: 4746.5
05/06/02 AMEND: 3104
04/17/02 AMEND: 3276
03/20/02 AMEND: 3401.5
03/11/02 ADOPT: 3501
03/07/02 AMEND: 3375.2
02/28/02 AMEND: 2005
01/31/02 AMEND: 3041.3

01/09/02 ADOPT: 4742, 4743, 4744, 4745, 4746,
4747 AMEND: 4730, 4732, 4733, 4734,
4735, 4736, 4737, 4739, 4740

Title 16

05/08/02 AMEND: 832.09
05/02/02 AMEND: 3303, 3353, 3361.1
04/09/02 AMEND: 2010.1, 2024, 2025
04/02/02 AMEND: 2068.5
03/29/02 REPEAL: 1044.4
03/29/02 AMEND: 2620.5, 2649, 2671
03/26/02 AMEND: 1950, 1950.2, 1970.4 RE-
PEAL: 1990.1, 1991.1
03/25/02 AMEND: Section 1888
03/20/02 AMEND: 1083
02/28/02 ADOPT: 4100, 4101, 4102, 4110, 4111,
4112, 4113, 4114, 4120, 4121, 4122, 4130
02/26/02 AMEND: 3394.4, 3394.6
02/20/02 AMEND: 1388, 1388.6, 1389, 1392,
1397.63 REPEAL: 1388.5
02/19/02 AMEND: 1387.6, 1387.7, 1387.8
02/13/02 AMEND: 3361.1
02/11/02 ADOPT: 2085.4
02/04/02 AMEND: 1399.157
02/04/02 ADOPT: 2085, 2085.1, 2085.2, 2085.3,
2085.4, 2085.5, 2085.6, 2085.7, 2085.8,
2085.9, 2085.10, 2085.11, 2085.12,
2085.13 AMEND: 2070
01/31/02 AMEND: 411
01/31/02 ADOPT: 1399.698
01/28/02 AMEND: 1531
01/18/02 AMEND: 1391.7
01/14/02 ADOPT: 1711
01/14/02 ADOPT: 980.1 AMEND: 974

Title 17

05/02/02 ADOPT: 2641.5, 2641.10, 2641.15,
2641.20, 2641.25, 2641.30, 2641.35,
2641.45, 2641.50, 2641.55, 2641.60,
2641.65, 2641.70, 2641.75, 2641.77,
2641.80, 2641.85, 2641.90, 2643.5,
2643.10, 2643.15, 2643.20.
04/22/02 AMEND: 70500, 70600
04/11/02 AMEND: 58420
04/10/02 ADOPT: 54327.2 AMEND: 54302,
54327, 54327.1, 56002, 56026, 56093,
58651
03/27/02 AMEND: 57310, 57332, 57530
03/12/02 ADOPT: 33001, 33002, 33003, 33004,
33005, 33006, 33007, 33008, 33009,
33010, 33011, 33012, 33013, 33014,
33015, 33025 AMEND: 33020, 33030,
33040 REPEAL: 3001, 33010
03/01/02 ADOPT: 2638 AMEND: 2500, 2502,
2505, 2551, 2552, 2553, 2596, 2614,
2626

02/28/02 AMEND: 56002, 56031, 56033, 56034,
56134.1, 56035, 56036, 56037, 56038,
56048, 56054, 56057, 56059, 56060

Title 18

05/15/02 AMEND: 1699
05/14/02 AMEND: 905
05/14/02 AMEND: 1603
05/13/02 ADOPT: 1434
05/13/02 ADOPT: 4011 AMEND: 4061
04/17/02 ADOPT: 305.3
04/16/02 AMEND: 1668
04/16/02 AMEND: 1532
04/16/02 AMEND: 1525.2
04/03/02 AMEND: 25110
04/03/02 ADOPT: 138
04/02/02 AMEND: 25114
04/02/02 AMEND: 25111-1
03/19/02 AMEND: 25112
03/13/02 AMEND: 24411
03/12/02 AMEND: 24344(c)
03/12/02 REPEAL: 25111
03/12/02 REPEAL: 25111.1
03/11/02 AMEND: 25106.5-0, 25106.5
03/08/02 AMEND: 6001
02/28/02 REPEAL: 25115
01/16/02 ADOPT: 4063.5, 4098 AMEND: 4018,
4021, 4022, 4023, 4026, 4027, 4034,
4047, 4055, 4056, 4057, 4058, 4059,
4060, 4062, 4063, 4064, 4065, 4080,
4081, 4091, 4092 REPEAL: 4028, 4067,
4079, 4082
01/10/02 ADOPT: 29

Title 19

04/02/02 ADOPT: 2575, 2575.1, 2575.2, 2576,
2576.1, 2577, 2577.1, 2577.2, 2577.3,
2577.4, 2577.5, 2577.6, 2577.7, 2577.8,
2578, 2578.1, 2578.2
02/08/02 AMEND: 2900, 2910, 2915, 2940, 2945,
2955, 2970, 2980, 2990

Title 20

03/08/02 ADOPT: 1207, 1212, 1710, 1712, 1714.5,
1718, 1741, 1748, 1751, 1752, 1755,
1940, 1945, 2021
01/16/02 AMEND: 201

Title 21

02/05/02 AMEND: 7101, 7102, 7111, 7114, 7116

Title 22

04/30/02 AMEND: 51515(c), 51515(e), 51518(b),
51521(1), 51527(b)
04/18/02 AMEND: 4304-12
04/16/02 AMEND: 4408, 4409, 4414
04/16/02 AMEND: 12000
04/11/02 AMEND: 66261.6

04/08/02 ADOPT: 68300, 68301, 68302, 68303,
68304, 68305, 68306, 68307, 68308,
68309
04/04/02 ADOPT: 66270.42.5, 66271.20 AMEND:
66270.42, 66271.18, 66270.21
04/04/02 AMEND: 66270.69, 67800.1, 67800.5
04/04/02 AMEND: 66262.54, 66264.71, 66264.71,
66265.71, 66265.72, 66270.30, Appendix
03/26/02 ADOPT: 66273.6, 66273.80, 66273.81,
66273.82, 66273.83, 66273.84, 66273.85,
66273.86, 66273.87, 66273.88, 66273.89,
66273.90 AMEND: 66261.9, 66273.1,
662173.8, 66273.9
03/21/02 AMEND: 926-3, 926-4, 926-5
03/19/02 ADOPT: 110250, 110374, 117016,
117019, 117021, 117025, 117030,
117036, 117042, 117047, 117049,
117052, 117054, 117064, 117074,
117080, 117083, 117085, 117089,
117091, 117094, 117200, 117300,
117301, 117302, 117303, 117400,
117401, 117402, 117403, 117404,
03/07/02 ADOPT: 67900.1, 67900.2, 67900.3,
67900.4, 67900.5, 67900.6, 67900.7,
67900.8, 67900.9, 67900.10, 67900.11,
67900.12
03/06/02 ADOPT: 64860
03/05/02 ADOPT: 111900, 111910, 111920,
121100, 121120, 121140
03/01/02 AMEND: 14000
03/01/02 ADOPT: 68200, 68201, 68202, 68203,
68204, 68205, 68206, 68207, 68208,
68209, 68210, 68211, 68212, 68213
02/28/02 AMEND: 12000
02/21/02 ADOPT: 110041, 110098, 110284,
110299, 110428, 110430, 110473,
110539, 112002, 112015, 112025,
112034, 112035, 112100, 112110,
112130, 112140, 112150, 112152,
112154, 112155, 112200, 112210,
112300, 11230.1, 112302 AMEND:
110042, 110431, 110609
02/20/02 AMEND: 100209 (c)
02/13/02 ADOPT: 68300, 68301, 68302, 68303,
68304, 68305, 68306, 68307, 68308,
68309
02/11/02 ADOPT: 110413, 110550, 113100,
113200, 113300 REPEAL: 12-104.1, 12-
104.432, 12-221
02/08/02 AMEND: 66260.10, 66261.9, 66262.11,
66264.1, 66265.1, 66268.1, 66270.1,
66273.1, 66273.2, 66273.3, 66273.4,
66273.5, 66273.6, 66273.7, 66273.8,
66273.9, 66273.10, 66273.11, 66273.12,
66273.13, 66273.14, 66273.15, 66273.16,
66273.17, 66273.18, 66273.19,

01/30/02 ADOPT: 67450.40, 67450.41, 67450.42, 67450.43, 67450.44, 67450.45, 67450.46, 67450.47, 67450.48, 67450.49, 67450.50
AMEND: 66262.20, 66270.6

01/24/02 REPEAL: Repeal the language "(See Section 3901.1, Retraining Benefits Definitions)" below Article 1.5. Retraining Benefits.

01/17/02 ADOPT: 84400, 84401, 84422, 84461, 84465, 84468.1, 84468.2, 84468.4, 84478
REPEAL: 84001, 84022, 84061, 84063, 84065, 84300, 84322, 84322.1, 84322.2, 84361, 84365, 84365.5, 84368.3, 84369

Title 22, MPP

05/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP 12-000, 12-003, and Appendix I

04/08/02 ADOPT: 85081, 87593 AMEND: 85001, 87101

03/25/02 ADOPT: 110385, 110449, 110554, 118020, 118203 REPEAL: 12-301.1, 12-301.2, 12-301.3, 12-302.1, 12-302.2, 12-302.3, 12-302.4, 12-302.5

02/21/02 AMEND: 87102, 87564.3, 87730

Title 23

05/03/02 AMEND: 3961

04/17/02 AMEND: Article 6, section 645

04/03/02 AMEND: 3954

04/03/02 AMEND: 2712(e)

02/13/02 AMEND: 3923

Title 25

04/26/02 AMEND: 7060, 7062.1, 7078.2, 7078.4, 7078.5

04/04/02

Title 27

05/09/02 AMEND: 22200, 22228, 22233, 22248, Form CIWMB 106 (08/2001)

03/05/02 AMEND: 15110, 15240

Title 28

04/24/02 ADOPT: 1300.41.8

02/14/02 ADOPT: 1300.67.05

Title MPP

05/09/02 ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310

04/26/02 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, 16-801
AMEND: 20-300, 44-302,

03/06/02 AMEND: 63-403

02/28/02 AMEND: 63-102, 63-103, 63-300, 63-301, 63-503

02/28/02 ADOPT: 40-107.141, 40-107.142, 40-107.143, 40-107.15, 40-107.151, 40-107.152, 42-302.114, 42-302.114(a)-(c), 42-302.21(h)(1), 42-302.3, 44-133.8, 82-833 AMEND: 40-107.14, 40-107.16, 40-107.17, 40-107.18, 40-107.19, 42-301.2, 44-133.51, 82-832

02/21/02 AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

01/30/02 ADOPT: 69-209, 69-210 AMEND: 69-201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 6-214, 69-215, 69-216, 69-217, 69-301 REPEAL: 69-210, 69-221

01/23/02 ADOPT: 33-135 AMEND: 33-120, 33-510, 33-805

01/14/02 ADOPT: 63-016 AMEND: 63-102, 63-300, 63-504, 63-801, 63-802, 63-804

